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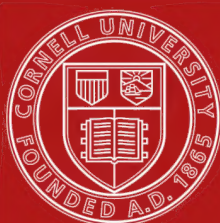
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Wm. L. Tompkins

PUBLIC PAPERS
OF
DANIEL D. TOMPKINS

GOVERNOR OF NEW YORK

1807—1817

MILITARY—V o L. I.

WITH AN INTRODUCTION BY

HUGH HASTINGS, STATE HISTORIAN.

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Introduction to Tompkins
Papers.

GENERAL INTRODUCTION.

I

GOVERNOR DANIEL D. TOMPKINS.

HIS BIRTH, EDUCATION, AND ENTRY INTO POLITICS — A FORTUNE-FAVORED YOUNG MAN — THE COUNCIL OF APPOINTMENT.

The trite old saying, "Republics are ungrateful," was never better illustrated than in the cases of the two men who, at critical war periods in our history, raised by their personal effort, and by their personal indorsement, large sums of money for the National Government, when the Nation was unable to negotiate a loan on its own credit—in the end only to find themselves bankrupt and ruined—Robert Morris, patriot of the first war with Great Britain, Daniel D. Tompkins, patriot of the second war with Great Britain.

The history of the second war with Great Britain has never been written, because no writer has yet undertaken to show the superb services which were rendered to the American cause by the State of New York, and by the great war Governor of that State, Daniel D. Tompkins. In fact, no history of that war can be prepared without the aid of Governor Tompkins' State Papers. Several works have been published from time to time, and most of them have achieved a gratifying reputation, but none of them were written apparently with the necessary knowledge that records as valuable as the Tompkins Papers, were in existence. One of these histories ignores the existence absolutely of New York State.

Governor Tompkins' name is mentioned once, incidentally. Its author was a citizen of New York, and subsequently became a prominent elective State officer. A popular and voluminous work, published within recent years by an eminent writer and historian, is especially devoted toward vindicating and commending the course of New England, which not only opposed the war, but left nothing undone during its progress, to embarrass and cripple the National Administration.

The papers of Governor Tompkins are unusually full and interesting, and contain material that can be found nowhere else. As military records, their value is inestimable. As a history of New York during the period that he was Governor, this collection holds a unique place. As Governor, Judge Tompkins had the reputation of writing his own State papers; during his administration all military orders, outside of those of a purely routine nature, were drawn by his hand. As a contribution to the history of the State of New York and of the United States, these papers will be appreciated and will prove of incalculable value to the historical student. More emphatically than any other writings that have been brought to light, they place New York State in its true and just position. They demonstrate that New York has always been great, always been generous, always been unselfish, and could always be relied upon at any crisis in the history of the Nation, to supply more money and more men than any other State in the Union. This was her record during the War of the Revolution, during the second war with Great Britain, and as destiny was to decree she was to hold, nearly half a century later, during the War of the Rebellion.

The State obtained possession of this collection in 1885. The late Erastus Brooks, a public-spirited man, editor and litterateur,

who represented Staten Island, Richmond county, in the Assembly, was informed that the descendants of Governor Tompkins were desirous of disposing of his State papers to the State. He accordingly introduced a bill to appropriate \$5,000 for the purchase of this collection. Out of personal compliment to Mr. Brooks, the bill passed the Lower House of the Legislature. The Senate killed it. For several years efforts were renewed to carry the appropriation through, but it was not until 1883 that the Legislature sent the appropriation to the Governor, Mr. Cleveland, who vetoed it. The following year it was again submitted to the Governor, and this time was signed. The late Dr. Henry Homes, L L. D., who was State Librarian when the papers were delivered to the State, July 4, 1885, has this to say of the collection, in a paper which he read before the Albany Institute, November 15, 1885:

"The purchased papers consist of the official copies of eighteen hundred letters written by him while Governor of the State from 1807 [to 1817], bound in five volumes folio; also all letters written by him while Vice-President of the United States from 1817 to 1825; also of two thousand letters received by him during the same two periods of seventeen years in all. Besides these there are one thousand miscellaneous papers, making five thousand manuscripts of all classes. Of the letters received by him, besides the originals, there are careful copies which he had made of large numbers of them and bound in six folio volumes. The bound volumes make in all fifteen, beautiful and closely written folio ledger volumes of about four hundred and fifty pages each or nine thousand pages in all. In addition to these there are two thousand letters and loose papers in their originals."

The material comprised in the printed volume which has been prepared, embraces Volumes XI, XII and XIII of the manuscript volumes, which are devoted exclusively to military subjects, from 1800 to 1816. Throughout the remaining twelve volumes more or less material of a military character is scattered, but it was deemed more expedient to take the exclusive military manuscripts and print those now and gather what remains in the other twelve volumes for a second volume.

Governor Tompkins at the outbreak of the war with Great Britain, was at the climax of his powers. He had just attained his thirty-eighth year, having been born at Fox Meadows, now Scarsdale, Westchester county, New York, June 21, 1774. In his infancy all the old women of the neighborhood predicted a distinguished career for him because he was the seventh son. His father, Jonathan Tompkins, was one of the three loyal Americans who lived in that part of Westchester county during the War of the Revolution. Born on a farm, inured from childhood to the roughest and hardest kind of work, young Tompkins succeeded in acquiring education enough to enable him to attend Columbia College, from which he graduated in 1795. Two years later he was admitted to the bar. From boyhood he had always been a great reader. Before reaching his majority he plunged vigorously into the warm political contests that then raged between the Federalists and Republicans.

He was one of the most active of the younger political workers in the then Fifth ward of New York, and one of the thirty-nine young men that organized "The Tontine." Three years after the adoption of the Federal constitution, the opponents of centralization in government, the men who believed in a strict construction of the constitution, crystallized into the Republican party, as antagonistic to the Federalist party, whose faith in politics was symbolized by centralization and a loose construction of the constitution. The Federalists opprobriously stigmatized their opponents as "Democrats" for their alleged sympathy with the Jacobins or Democrats of the French Revolution, which was then raging, and because of the clubs which the Democrats had formed in imitation of the French political clubs. In retaliation, the Republicans derisively termed the Federalists "Aristocrats."

From 1790 to 1799 political excitement increased from year to year. The Federalists were all triumphant in New York city. They uniformly controlled six out of the seven wards of which the city was then composed. In the exciting charter election of 1799 the Federalists carried five, the Republicans two wards. The property restriction in the elective franchise gave the Federalists untold advantages, for in those days only freemen and freeholders were allowed the privilege to vote in municipal affairs, and the bulk of the freeholders were Federalists.

The following year, 1800, the Republicans gathered all their resources for one grand superhuman effort. Washington was dead; the keystone that held the Federal arch in position had dropped, and the Republicans resorted to every expedient, subterfuge and argument that would tend to bring them into power and undo their Aristocratic adversaries. It was under these circumstances that "The Tontine" came into existence. Many ambitious young men chafed under the discrimination that prevented them from casting their ballots. They regarded the Federalist party as responsible for the ban they were under. Their sympathy naturally went with the Republican party.

With two thousand dollars, an association was organized, a residence was purchased upon "The Tontine" principle, and the members qualified as voters. The Republicans for the first time in the history of the party carried the ward. But the victory was barren so far as the municipal election was concerned, for the votes thus cast were thrown out on the ground that "The Tontine" was contrary to the principles of the city charter. Among the better known of the members of "The Tontine" besides Daniel D. Tompkins, were Tunis Wortman, Richard Riker, Robert Livingston, Samuel Lawrence, William P. Van Ness, Rob-

ert Swartwout, John L. Broome, John Jagger, David Thompson and John W. Woolf.

The Republicans lost control of the city council, but were otherwise victorious in the city and the State. They elected as Governor the venerable George Clinton, who had been the first chief magistrate of the State under the State constitutional authority who had served as such continuously from 1777 to 1795, and had been one of the recognized Republican leaders since the adoption of the Federal constitution. The Federalists took the humiliation of defeat with bad grace.

Hamilton, from New York, May 7, 1800, wrote to Governor John Jay:

"You have been informed of the loss of our election in this city. It is also known that we have been unfortunate throughout Long Island and in Westchester. According to the returns hitherto, it is too probable that we lose our senator for this district.

"The moral certainty, therefore, is, that there will be an anti-Federal majority in the ensuing Legislature and the very high probability is, that this will bring Jefferson into the Chief Magistracy, unless it be prevented by the measure which I shall now submit to your consideration, namely the immediate calling together of the existing Legislature."

To prevent "an atheist in religion and a *fanatic* in politics," as he spoke of Jefferson, "from getting control of the helm of the State," this high-minded statesman made this proposition to Governor Jay: "The calling of the Legislature will have for object the choosing of electors by the people in districts. This (as Pennsylvania will do nothing) will insure a majority of votes in the United States for a Federal candidate. This measure will not fail to be approved by all the Federal party; while it will no doubt be condemned by the opposite."

Jay placed this indorsement on this letter: "Proposing a measure for party purposes which I think it would not become me to adopt."

The "Farmer's Boy," as Tompkins was then popularly called, represented the Ninth New York district in the Assembly of 1803. In April, 1804, he was elected to Congress, but resigned his seat before Congress convened in order to accept the position of Supreme Court Judge, which honor had been bestowed upon him by the Council of Appointment. And he relinquished the judgeship upon his nomination for Governor by the Republicans in caucus, February 16, 1807.

He was a compromise candidate between DeWitt Clinton and Judge Ambrose Spencer. An insinuation was made—an insinuation which the present generation has heard applied to several of his successors of later date—that he was "the politicians' man," and that he would render himself subservient in every particular to the two men who secured his nomination, Messrs. Clinton and Spencer, in other words be a plastic tool in their hands. No evidence has ever been produced to show that Messrs. Clinton and Spencer were governed by any such purpose in nominating Tompkins, or ever entertained a suspicion that they expected to control the Governor in the administration of his official duties.

He was not at this time a particularly well-known man. He had made many friends during the brief period he was on the bench, and a respectable reputation. He was always approachable, affable and condescending. With the dignity of a judge he united a kindness of heart that drew people toward him irresistibly. By his charm of manner every one who came into his presence was put at ease.

As a judge he was known for punctuality, fidelity to duty, for the patience he bestowed upon all matters of trifling detail that came before the court, for the earnest consideration he gave to all

questions, for strict impartiality and for the justice and accuracy of his decisions.

In appearance he was slightly over the medium height, with a strong, well-knit figure that became corpulent later in life.

If contemporaneous evidence is to be trusted, his abilities were underestimated by the politicians and the people. He was classed as a man of mediocrity.

Professor James Renwick in his life of Clinton writes :

"Tompkins with no remarkable native powers of mind and but little acquirement, even as a lawyer possessed in a most eminent degree the art of ingratiating himself with the people. He had the faculty, which is invaluable to him who seeks for popular honors, of never forgetting the name or face of any person with whom he once conversed; of becoming acquainted and appearing to take interest in the concerns of their families; and of securing by his affability and amiable address, the good opinion of the female sex, who although possessed of no vote, often exercise a powerful indirect influence."

Judge Tompkins took his seat as governor of the State, January, 1808. The following year the Federalists elected a majority of the members of Assembly. A year later through the treachery of a Republican Senator the Federalists secured control of the Council of Appointment. The Governor now found himself in precisely the same position Governor John Jay had been nine years before—with a Council of Appointment of the opposite party against him. John Jay broke with his council and refused to call the members together. Governor Tompkins ignored the council.

The most arbitrary and brutal political machine that ever existed in this or any other State in this country, was the Council of Appointment, which came into existence with the State under the constitution of 1777. The Assembly was required annually to select from each of the four Senatorial districts into which the State was then divided, a Senator for the Council of Appointment. The Governor was also a member. His authority, however, was restricted to giving a casting vote and no other. The Governor

was invested with the power, under the constitution, of appointing nearly every officer in the State, outside of the State Treasurer, a power that included all military officers, line and staff, all civil officers, all judicial officers, including the chancellor, justices of the Supreme Court, and justices of the peace. But as a matter of fact, the Council of Appointment resisted the exercise of this prerogative after George Clinton retired from the office of Governor in 1795. He had held, as did his successor, John Jay, who had framed the constitution and whose authority should have carried unquestioned weight, that the right of appointment was vested, not in the Council of Appointment, but in the Governor. DeWitt Clinton, upon the retirement from office of his uncle, raised the issue that the power to appoint lay with the Council of Appointment.

The State constitutional convention of 1801 was called upon more particularly to decide this dispute; the only other question under discussion was that of limiting the number of members of Assembly and of the Senate.

The decision of that convention was hostile to the Governor. In the language of Governor Tompkins, "the maxim was to strip the Governor of as much power as possible."

In twelve years' time the Federal party had run its race in National politics. Year by year it had demonstrated that its faith in the people had diminished. Orator after orator of that political persuasion had declared that the American people were not fit to govern themselves. The end came in 1801 with the election of Thomas Jefferson, the arch Republican, as President of the United States.

The Federalists for the first time lost in this State control of the Council of Appointment. And from that year the power for evil

of this irresponsible instrument grew. It was not an unusual thing at its first annual meeting to overturn every act of its predecessor and to eject from office men holding the highest places in the State, including Supreme Court judges, down through the whole patronage category to the petty officer of city auctioneer. As an indication of the signs of the times the people at large seemed to give but little heed to these annual convulsions and revolutions in the patronage taking and patronage losing classes. Wholesale changes in office, no matter how demoralizing to the civil service, were regarded by the people as a part of the political system of the country as demonstrating the good Democratic doctrine that any American is competent to perform the duties of any office in the gift of the people, and that no American is good enough to hold any one office for life.

Both of the great political parties used the tremendous power of the Council of Appointment in utter defiance of public sentiment or common decency. Once lodged in power, a party strove to excel its predecessor in the rapidity, expedition and thoroughness with which it drove its opponents out of and its friends into office.

After four years' service as Governor, with the broad and varied experiences he had squeezed into his previous career as a public officer, as member of the Constitutional Convention, of Assembly, of Congress and as a Circuit judge, Tompkins's character had rounded out, his mental qualities had developed and he was thoroughly equipped for the arduous and extraordinary responsibilities that were to devolve upon him. Like Aaron Burr, he had no rich or powerful family connections to hamper him, to make prejudices against and enemies for him. Tompkins soon was called "the Man of the People."

The difference between the Council of Appointment and the Governor might have proven to be a serious matter at this particular juncture had a man of less resolution and of different temperament than Tompkins been in the Governor's chair.

The council, as Federalists, naturally opposed the war. The Governor, as a Republican, indorsing the Republican administration of President Madison, favored the war, heart and soul. He had been in public life long enough to comprehend that so long as the United States remained dormant, and continued indifferent to its interests and rights, that English aggressions would multiply and grow more and more intolerable, and that the present was as good as any time to call England to account and settle outstanding misunderstandings for good and all.

Under the military code and the ridiculous interpretation of section 23 of the constitution by the Constitutional Convention of 1801, which had decided that the power of the Council of Appointment was co-ordinate with that of the Governor in the appointment of officers, the council exercised the authority to nominate all military officers. The Governor, however, possessed the exclusive right to assign them to command. In other words, the council could create officers, but the Governor had the sole power to create commands and to assign officers to the commands thus created.

The Council of Appointment, in exercising their constitutional prerogative, issued commissions to a number of worthy and competent soldiers. Many of these men had seen service during the Revolutionary War, were in the prime of life and were well fitted for commands in the field. Politics, however, came into play. Because the Council of Appointment was a Federalist body at this period, and bestowed commissions upon Federalists, Governor

Tompkins refused to assign the officers thus appointed to command. By the liberal distribution of "brevets" the Governor assigned to duty, officers of his own political faith, from ensign to brigadier-general, at the expense of regularly commissioned officers who were Federalists. His military papers abound with disputes between officers on the question of seniority. Instead of submitting these disputes to the Council of Appointment, the Governor invariably called a board of officers, and as the majority of these boards belonged to the Republican party, the decision invariably was against the Federalist claimant.

Instances of the partisan nature of military appointments and the extent to which party feeling and party prejudices ran, are clearly portrayed in the subjoined extracts from Governor Tompkins' papers:

To the Hon. PETER B. PORTER:

February 29, 1812.

"The enclosed letter is from Judge Osborn who wishes an appointment in the army. He was formerly a decided Federalist and represented Oneida county in the Assembly for several years. But disappointment in 1810 and disgust with the Federal party since, has caused him to avow himself a Republican. * * * * He is well qualified for a major in the army, and I can recommend him cheerfully.

By a list, which it is understood is before the Secretary of War, I learn that the names of Aquila Giles and Solomon Van Rensselaer, Benjamin Walker and William North are presented for the first grades of command.

* * * * *

Our Republicans will illy brook it that the command of an army in a contest with Great Britain should be entrusted to such men."

And again:

March 2, 1812.

"To JOHN BULLUS:

* * * The Republicans in this quarter are desirous that instead of Mr. Walton some friend to the Government should have the transportation of navy articles from New York to the western waters.

"Walton is considered in the light of a British adherent and is largely engaged in smuggling from Canada. * * * Eli Lusher is the Republican transporter."

And finally:

April 3, 1812.

To GEN. PAULDING:

"I have received your letter relative to the application of Mr. Davis for the office of deputy commissary general. I have already recommended Col. Lamb. Even if I had not, I should be reluctant to hazzard any further recommendations after such men as William North, Peter J. Schuyler, Robert L. Livingston, etc., are honored with the highest military distinctions in this State by a Republican administration. I shall avoid even the appearance of responsibility in the appointments to be made."

This correspondence would indicate that a good citizen is capable of becoming a rank partisan and a rank partisan a great patriot.

During Governor Tompkins' first term his speeches to the Legislature dwelt more upon the serious condition of our national affairs that threatened to embroil us into a war with either France or Great Britain. In his first speech he alluded to the importance of protecting New York and the northern frontier. His address to the Legislature, January 30, 1810, bore mainly upon national matters, with a vigorous indorsement of President Madison's foreign policy.

Having a majority in the Assembly in 1809, the Federalists in answer to the Governor's speech, took issue with him on his position in relation to the Federal Administration's foreign policy. Most of the time of the session was wasted by both of the great parties playing to the galleries on national affairs and manufacturing ammunition to be used in the forthcoming campaign and election for Governor.

Governor Tompkins was renominated in the Republican caucus February 5, 1810, without a dissenting voice. At the polls his majority over General Stephen Van Rensselaer, his Federalist opponent, was between six thousand and seven thousand votes. In his speech to the Legislature, January 29, 1811, he renewed the assurance that his "best efforts shall be devoted to a faithful discharge of the important trust." His speech was brief. One half of it was devoted to the triangular dispute between Great Britain, France and the United States. The final paragraph alluded to the common school fund and "the means of adding to the liberal patronage which has been already extended for the promotion of learning

and the consequent advancement of the cause of morality and religion."

He was now the leader of the Republican party in the State. DeWitt Clinton was his most dangerous rival.

For twelve years the Republican party had achieved a series of uninterrupted successes in the State and nation. The party had attained the point that every political party which enjoys a successive line of victories, reaches where it is menaced by greater dangers and perils from its own followers than from its opponents. So it was now with the Republican party. Schisms threatened it within its own ranks.

DeWitt Clinton was strongly attached to his uncle George, the first Governor of the State. He espoused his uncle's candidacy to the Presidency in 1808 with all the spirit and energy he could command. The selection of James Madison was a sore disappointment to the Clinton family. It was but natural, therefore, that in distributing the patronage of the Federal Administration, the new President should ignore the Clinton family, who had opposed his nomination, and favor the all-powerful Livingston family, which had supported him. The quick temper of DeWitt Clinton and a vituperative vocabulary led him into denunciation of the "Virginia Dynasty," as he stigmatized the Administration. The friends of the President in Virginia and at the Federal capital resented these attacks in language fully as violent and with anathemas equally as vigorous. The breach widened.

In New York city, where DeWitt Clinton was Mayor, the Federal officeholders openly assailed him. They gathered together all the disaffected spirits of the party and held their meetings in Martlings Long Room, hence their name, "Martling Men." This faction was never particularly numerous, but it was always bois-

terous, belligerent and active, and eventually sapped Clinton's political status with many Republicans.

Among its most energetic members was Mangle Minthorne, Governor Tompkins' father-in-law. The Governor's friends were always ready to aver that he never lent any of his influence to the "Martling Men," but it is only human nature to assume that, when they were in need of encouragement, the Governor was not ungrateful enough to turn his back upon them. They were known as Madison Republicans. More out of spite than as a matter of judgment, Clinton had originally opposed the embargo. Tompkins, as Governor, had not only favored the embargo, but co-operated with the Administrations of Jefferson and Madison in carrying out the law. When the Administration desired the influence of the Republican party in New York, Tompkins was consulted. And the *quid pro quo* which obtains in politics was never withheld from Governor Tompkins when the assistance of the Federal Administration, up to the last year of his final term as Governor, was essential.

January, 1809, Clinton offered a resolution in the State Senate approving the embargo. This measure was regarded at the time as an effort toward conciliating the National Administration. It failed to produce the effect he desired.

In the winter of 1811-12 DeWitt Clinton's name was pushed forward by his friends with energy for the Presidency. The Administration had lost caste not only with the people, but with members of its own party for its apathy and lack of decision and of force in its foreign policy. President Madison was accused of over-caution, of timidity, and of irresolution.

As a step forward in his Presidential ambition, DeWitt Clinton was elected Lieutenant-Governor to fill the vacancy made by the

death of John Broome. He was formally put in nomination for the office of President of the United States, at the Legislative caucus of Republicans held in the city of Albany, May 29, 1812. The minority, or Madison Republicans, uttered a forcible protest against the proceedings. One of the foremost opposers was Clinton's old-time friend, Judge Ambrose Spencer, with whom Clinton had recently quarreled, snapping a friendship that had endured for years. Arrayed against him were such powerful members of his party as Governor Tompkins, ex-Governor Morgan Lewis, Nathan Sanford, Judge John Tayler, the Livingston family, General Erastus Root, Elisha Jenkins, Secretary of State, General Peter B. Porter, the most popular and most powerful politician in the western end of the State; and the "Martling Men," who had bloomed into Tammany Hall men.

The war message of President Madison, which was sent to Congress June 1, 1812, crushed Clinton's hopes, whirled the Administration back into popular favor, and, in the minds of all fair and far-seeing men left no doubt as to the result of the election at the polls.

Governor Tompkins' reputation as a statesman would rest on poor soil had it no other foundation than the speech he delivered to the Legislature January 28, 1812. The sentiments he expressed were not the sentiments of a broad-gauge, liberal and sagacious man. Consideration must be made, in all justice to him, for the knowledge which he had acquired as to the questionable methods which were practiced by financial institutions to secure legislation which they needed. The United States Bank had gone out of existence. It had failed to persuade Congress to renew its charter during the session of 1810-11. It was beaten in the Senate by the

casting vote of Vice-President George Clinton, who expounded the Republican idea of the proper construction of the Constitution in the following words:

“In the course of a long life I have found that government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those powers which are incontestable.”

A great deal of the capital of the United States Bank had been rendered useless. The shrewdest stockholders conceived the idea of creating in the State of New York a gigantic institution on lines similar to those of the United States Bank. The name selected was “The Bank of America.” Agents were sent skurrying over the State to interview the members-elect of the Legislature and to offer most alluring promises for votes. Reports of these nefarious operations were brought to the Governor’s attention. His speech at the opening of the legislative session in January, 1812, was one of the most extraordinary ever heard from a Governor in the halls of legislation. Fully aware of the corrupt methods practiced by the friends of the bank, he called attention to the fact that petitions for new banks, with an aggregate capitalization of \$18,500,000, would be presented during the coming session.

In his determination to prevent the wholesale corruption of the Legislature and a scandal that would bring everlasting disgrace upon the State of New York, he gave utterance to arguments and expressions that, were it not for his zeal and his sterling sense of honesty, would approach close to the demagogic.

A few quotations from his address will better explain the Governor’s position:

“One prominent objection which meets us at the threshold of an

examination of this subject is, that the vaults of banks are the reservoirs into which the specie is collected, and where larger quantities of it are at all times accessible by those who may wish to send it out of the country, than would be the case were the specie left diffused, instead of the paper.

“Bank stock is generally owned by the speculating, the wealthy, and the aspiring part of society. * * *

“The influence of the wealth amassed and concentrated in bank stock, wielded under the direction of a few persons not accountable or responsible to the community for their conduct, nor restrained by any official oath, may be devoted to a sway over individual passions, sentiments and exertions, alarming in a representative government.

* * * * *

“One of the baleful consequences of banks is the facility with which credit may be obtained by certain descriptions of persons in and near cities and villages through the medium of a responsible endorser. The fictitious capital thus acquired by a man inspires confidence in all descriptions of dealers and mechanics, who consequently trust him.”

In this same message, with war impending, the Governor devotes a paragraph recommending means “for the gradual and ultimate extermination from amongst us of slavery, that reproach of a free people.”

Hardly had the legislative session opened ere the bill for the incorporation of the bank was introduced in the Assembly. A dazzling bribe accompanied the petition—of \$600,000—\$400,000 of which were to be presented to the common school fund, \$100,000 to the literature fund, and the remaining \$100,000 to be paid into the State treasury at the expiration of twenty years—and here was

the African in the woodpile—provided, however, that the Legislature issue no other bank charters. For this gigantic monopoly the bank people expressed themselves as willing to loan to the State \$1,000,000 at 5 per cent. for the construction of canals. To lull the suspicion and gain the friendship of the farmers, an additional proposition was embodied, to loan to the farmers \$1,000,000 at 6 per cent. With the promise of so much cash for public use the promoters of the scheme controlled a munificent amount for ready, secret and sinister purposes. The largest, most aggressive and influential lobby ever seen in Albany was present to advance the prospects of the bill. Any man, no matter what his politics or his standing in the community, who possessed sufficient influence to “convince” a doubting, wavering, recalcitrant or contumacious member was brought to Albany—transportation, subsistence and compensation provided for by the liberality of the promoters—to help along the cause. The bill went a-spinning through the Assembly by a vote of 58 to 38. There was no question about the result in the Senate. The way had been paved with gold, and lighted with the most enticing promises. The climax of jubilation and exhilaration was reached by the promoters and friends of the scheme. Success was assured beyond a doubt. They had the glass to their lips, when of a sudden it was dashed from their hand. The Governor, in the exercise of his constitutional prerogative, prorogued the Legislature.

Furious with rage and disappointment, the friends of the scheme exhausted the vocabulary of expletive in denouncing the Governor. “Tyrant,” “usurper of the liberties of the people,” “despot,” were every-day remarks that were hurled at him. He was accused of imitating monarchical methods. The Governor

was well supported by the ablest and most honest men of his own party. He had delayed, not defeated, the passage of the bill. The Legislature was prorogued March 27, 1812. It reconvened May 21, following. The Senate picked up the bill and sent it to the Council of Revision.

II

THE PROVOCATIONS FOR WAR.

THE FORBEARANCE, PATIENCE AND TOLERANCE EXERCISED BY THE
UNITED STATES BEFORE WAR WAS DECLARED — ENGLISH AG-
GRESSIONS AND FRENCH IMPOSITIONS.

There was no time between the peace of 1783 and 1812 that war between the United States and Great Britain was not within the range of possibilities. Scarcely a year passed that sufficient provocation was not given that would have justified a declaration of war. England understood our weak, almost helpless condition as thoroughly as our own statesmen. We had no army to boast of, no navy to speak of, and financially we were next door to bankruptcy. England controlled then, as she does to-day, the markets of the world. Her power financially was transcendent.

The prejudice in this country against England was natural, outspoken, deep-seated and bitter. Nor had English statesmen deemed the friendship of the United States of sufficient importance to warrant their making any effort to promote more cordial relations between the two countries. The two treaties which had been drafted resulted only in widening the chasm and intensifying the anti-English spirit. Both instruments were regarded by the

great mass of the American people as clean surrenders on the part of this country to superior English cunning and more experienced English diplomacy. The first or Jay treaty was received with violent demonstrations. In Philadelphia John Jay was burned in effigy. A pair of scales was suspended from the effigy, labelled on one side: "American Liberty and Independence;" on the other, "British Gold." Public and open air meetings were held all over the country; the treaty and its sponsors were overwhelmingly and virulently denounced. In New York, Alexander Hamilton, who only a few months before had been presented with the freedom of the city, attempted to make a speech from the balcony of the old City Hall, but the mob pelted him and his friends, among whom was Rufus King, with stones and forced them to retire. The mob split, one party under the leadership of Edward Livingston, proceeded to the Bowling Green and burned a copy of the obnoxious instrument in front of the Governor's house. In Albany two parties of Federalists and anti-Federalists came together with a clash on what is now Green street, and a serious riot was prevented only through the personal efforts of the cooler-headed. The tide turned in favor of the treaty when the New York Chamber of Commerce adopted resolutions approving it. While the treaty contained many objectionable features, it is exceedingly doubtful, with all the later light that has been thrown upon the proceedings which attended its adoption, whether Jay could have secured more concessions and whether any other man could have done as well as Jay had. The question at issue was the "adoption of a treaty," or "a declaration of war." At no time in our history were the United States in so poor a condition to fight.

The Erskine treaty, which followed the Jay treaty, had been

drafted by England's accredited agent, and was simply a dead letter; for England never made the slightest pretence to put it into effect.

It was not necessary for England to begin aggressions on the high seas against this country to stimulate the hatred and intensify the bitterness then prevailing. The natural sympathy and predilections of Americans were strongly in favor of the French people. From their mother's breasts they had imbibed hostility to England, which had developed into the conviction when they attained manhood that England was the "common enemy" of the United States. Men who in the first decade of this century were most prominent in public life, had been born during or in the years immediately succeeding the Revolutionary War. They had not forgotten the descriptions of the loathsome horrors of the British prison ships, or the indescribable cruelties practiced by English soldiers and their allies, the Hessians and Indians, during the seven years of that war. On the other hand, the generosity and friendship of the French people during our struggle were gratefully cherished, and forever glorified. Thomas Jefferson's influence was habitually exerted to foster the sentimental relations that existed between France and the United States. He had returned from Paris a full-fledged Jacobin. In imitation of French customs and manners, the organization of political clubs became epidemic, cockades were worn in hats, French styles of dress were adopted, the French spirit was thoroughly diffused and French principles became a part, for the time being, of our body politic.

Political parties divided on the question of foreign relations. The Federalists were known as the English party, the Republican

party as the French party. The Federalists in reproach called their political opponents "Democrats" because the Republican party was believed to be in principle and practice allied with the Jacobin clubs in France. The term "Republican party" was used by the members of that party until the election of Andrew Jackson, in 1828, when it assumed the name it still bears, "the Democratic party."

With this brief statement of fact, the causes that led to the second war with Great Britain, the difference in sentiment in this country, the reasons that governed one political party in opposing and the other political party in favoring the war, the attitude of New England and of other States, and the politics that Massachusetts played against New York and Pennsylvania, can be more clearly understood as the narrative unfolds.

When in 1803 hostilities were renewed between France and England, each of the belligerent powers seemed to be governed by a determination to out-do each other in repudiating all obligations that were due this country as between nations. The depredations and aggressions that were made upon our commercial rights and national prerogatives, in defiance of ordinary decency and international law, were flagrant, intolerable and outrageous. British cruisers and privateers played the part of highwaymen upon the high seas and waylaid merchant vessels of the United States wherever opportunity presented itself; members of crews of American ships were removed by violence or by force of numbers and impressed into the English service. Complaint was made to the English government as far back as 1792 on these two heads. The United States in that complaint called attention to the irritation that had been excited in this country against

England and an explanation was called for. England resorted to diplomacy and this country received no satisfaction, except the Jay treaty. Even then England continued her aggressions. The United States diplomatically suggested that war between the two nations was inevitable unless England changed her policy. In the diplomatic correspondence which followed and which covered a period of five years, England was informed "that the impressment of American seamen was an injury of very serious magnitude, which deeply affected the feelings and honor of the nation; yet that they were impressed; they were dragged on board British ships of war with the evidence of citizenship in their hands and forced by violence there to serve until conclusive testimonials of their birth could be obtained."

Every remonstrance that reached England from the United States was met by the English diplomatic policy of negotiation and delay. The seizure of American ships, the rifling of American commerce and the impressment of American seamen continued with unabated insolence and with unrestricted violation of all law, common, maritime and international. The case was excellently expressed by Alexander J. Dallas, Secretary of the Treasury, in his narrative or vindication of the war:

"But the English claim expanding with singular elasticity was soon found to include a right to enter American vessels on the high seas in order to search for and seize all British seamen; it next embraced the case of every British subject; and finally in its practical enforcement, it has been extended to every mariner who could not prove upon the spot that he was a citizen of the United States.

"While the nature of the British claim was thus ambiguous and

fluctuating, the principle to which it was referred, for justification and support, appeared to be at once arbitrary and illusory. It was not recorded in any positive code of the law of nations; it was not displayed in the elementary works of the civilian; nor had it ever been exemplified in the maritime usages of any other country in any other age. In truth it was the offspring of the municipal law of Great Britain alone; equally operative in a time of peace and in a time of war; and, under all circumstances, inflicting a coercive jurisdiction upon the commerce and navigation of the world."

Thus international complications went from bad to worse—until the United States found itself between two blades of European shears—France enforcing the Milan and Berlin decrees, clipping our vessels under an arrogant assumption that "every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize;" and England, by her orders in council, cutting into our prerogatives by forcibly entering American ships and violently impressing American seamen.

Encouraged by the cautious policy of President Jefferson, and emboldened by the well-known helplessness of this country, England now proceeded to extremely audacious methods. A squadron of English men-of-war patrolled our coasts, blockaded our ports, invaded our bays and rivers, anchored in the harbors and threatened defenceless towns with destruction.

A crisis was reached, however, when the "Leopard," a 50-gun English ship, attacked and disabled the 36-gun American frigate, "Chesapeake," off the Virginia coast, under the guns of the English squadron, June 22, 1807. The "Chesapeake," bound for the Mediterranean under command of Captain James Barron, sailed

from Hampton Roads at eight o'clock in the morning. The "Leopard," Captain Humphreys, had left her anchorage at Lynnhaven some time before and preceded the "Chesapeake" to sea. At three o'clock in the afternoon, when forty-five miles from port, the "Leopard" hailed the "Chesapeake," Captain Humphreys explaining that he had dispatches for England, a courtesy that was commonly exchanged between men-of-war. Upon reaching the deck of the "Chesapeake," the English lieutenant, who was supposed to have the dispatches, produced an order from Vice-Admiral Berkeley, directing all commanders in the English squadron to board the "Chesapeake" wherever found on the high seas and "to search for deserters," and "to proceed to search for the same."

Captain Barron refused to permit any search of his ship to be made. The "Leopard" fired a shot across the bow of the American frigate. The latter refused to obey this summary command "to heave to," and the "Leopard" poured a broadside into the "Chesapeake."

When the English lieutenant left the "Chesapeake," Captain Barron ordered the ship cleared for action. But the ship was in no shape to resist. Her decks were blocked with ship's furniture, personal effects, boxes of provisions and chicken coops. The crew were unable to find wads, gun locks, matches and ram rods.

For fifteen minutes the "Chesapeake" received broadside upon broadside from the "Leopard" without being able to fire a gun in return. Her sails were riddled and her masts were scarred. She was hulled twenty-one times. As the American flag fluttered to the deck in token of surrender, Lieutenant Allen, commanding the second division of the "Chesapeake," picked a hot coal from

the galley with his fingers and dropped it on the vent of one of his guns. The shot thus fired hulled the "Leopard." Hostilities, such as they were, then ceased.

The "Chesapeake's" loss in this uncalled for and outrageous attack was three killed and eighteen wounded. British officers boarded the "Chesapeake" and removed five of her crew, on the ground that they had deserted from English men-of-war. The "Chesapeake" returned to Hampton Roads. The "Leopard," with delightful effrontery, sailed westward and made anchorage within the jurisdiction of the United States.

This episode produced an uproar of excitement in this country. Many ultra Republicans clamored for war. The usual diplomatic correspondence ensued. The English officer guilty of the offense was transferred to another station and—promoted. Reparation was made to this country, but "so ungracious in the manner and so tardy in the result" as to intensify rather than mitigate the feeling of hostility to England. English sentiment in this country, however, deprecated war and asserted that the French decrees were as obnoxious in their inception, design and execution as the British orders in council.

Following the general national policy of retaliation, this government introduced the embargo and enforced it after a fashion. It was Mr. Jefferson's antidote for war. The recoil of this gun upon this country was more disastrous than the effect of its discharge upon the two countries at whom it was aimed, England and France. It was, therefore, spiked; the embargo was raised and the policy of non-intercourse and non-importation substituted. This system, which was put in operation March, 1809, prohibited American ships from entering British and French dominions and

from trading in articles of French or English product and manufacture. Authority was vested in the President to renew trade with France or Great Britain should one or the other, or both, revoke or modify the decrees of the one or the orders in council of the other.

Napoleon and the Prince Regent paid no attention to the pacificatory course of the United States. The National Administration then decided upon war. Before closing the door of peace, however, the United States extended the time to March 3, 1811, for England and France to relax or remove their oppressive measures; if either one or the other failed to grasp this chance for peace, then, at the expiration of three months, the provisions of the non-intercourse and non-importation act should be revived.

Diplomacy and negotiation looking to a peaceful end of the difficulties between the United States and Great Britain were lost by the stubborn and bull-headed policy of the older country. France in the meantime had sophistically revoked her decrees.

As a last resort to avert war, the Congress in 1811 passed a new act of conciliation, directed squarely and specifically at Great Britain. England's obduracy continued. She not only refused to rescind or modify her orders, but attempted to open a diplomatic quibble over the revocation of the French decrees in their particular relations to this country. Moderation, toleration and consideration, patience, fair play and ordinary decency against such a policy and against such a nation ceased. Diplomatic resources had been exhausted. National pride had been stretched to the utmost limit. The United States had repeatedly ignored the vain-glorious principles that stump speakers love to allude to as "the nation's dignity and the nation's honor" in order to preserve

peace and avert war. England up to this time had impressed from the crews of American merchant vessels, fully six thousand sailors, who claimed to be citizens of the United States; a thousand American vessels had been seized and their cargoes confiscated.

III

PRESIDENT MADISON'S MESSAGE.

HIS RECORD AS A FEDERALIST AND AS A REPUBLICAN — CAUTIOUS,
DELIBERATE AND INDECISIVE — NEW ENGLAND'S EFFORTS TO
CRIPPLE THE EFFORTS OF THE FEDERAL ADMINISTRATION.

President Madison sent his war message to Congress June 1, 1812. June 18th the Congress declared war against Great Britain. In summing up his reasons for a declaration of war, the President used these words:

"British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it, not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong, and a self-redress is assumed which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls within the definition of war. Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial these rights are subjected to the will of every petty commander.

"The practice, hence, is so far from affecting British subjects alone that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and from everything dear to them; have been dragged on board ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

"Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations, and that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected if the recovery of British subjects were the real and the sole object. The communication passed without effect."

One of the best utterances in the message is the paragraph which reads:

"We behold, in fine, on the side of Great Britain a state of war against the United States, and on the side of the United States a state of peace toward Great Britain."

The President's message took the country by surprise, not so much because it declared for war, for the country had been expecting such a result for four years at least, but because Madison had gathered courage, energy and determination enough to draft and promulgate it. A marked revulsion of sentiment in his favor set in. The message was regarded as the one strong act of an Administration that had been conspicuous for indecision, excessive caution and lack of backbone.

President Madison originally was a Federalist. He was called "the Father of the Constitution." Of the eighty papers of "The Federalist," he prepared twenty-nine, Hamilton forty-six and John Jay five. In one of his papers Madison wrote: "Every man who loves peace, every man who loves his country, every man who loves liberty, ought to have it ever before his eyes that he may cherish in his heart a due attachment to the union of America and be able to set a due value on the means of preserving it."

"The means" he alludes to was the Federal constitution.

But time, like all things, produced a marked change in Madison. The death of Washington left Jefferson, a born anti-Federalist, the strongest man in Virginia. It is usual now-a-days to speak of Madison as a man who was a statesman until he became President, and who developed into a politician after he was elected President. This is a serious mistake. As far back as 1789, Madison, as a Federalist, was defeated for the United States Senate in Virginia—he was then thirty-eight years of age—and was elected to the lower house of Congress only after he had openly repudiated the then prevailing impression that he was opposed to amendments to the Federal constitution. By pledging himself to the support of the amendments then proposed he was one of the

seven Federalists chosen out of Virginia's quota of ten Congressmen.

It is not surprising, therefore, that, in after years, yielding to the influences of environment, he became a devotee of Jefferson's, for, after all, in those days the power of Virginia in national politics was progressive, irresistible and supreme. The man whose ambition was fired for advancement, politically, must of needs recognize and pay tribute to this political mercenary who kept the toll gate on the road to the White House. "Go with the State" was the motto that blurred the principles of many a man who in all other respects was clear headed—a motto that subsequently crystallized into the revolutionary doctrine of State's Rights and led to the most destructive war modern times has seen.

For twenty-four out of twenty-eight years, the office of President of the United States had gone to the State of Virginia. The Secretary of State was regarded as the residuary legatee of an Administration, as the senior lieutenant-colonel is looked upon as the next commandant of a regiment.

Jefferson had served as Washington's Secretary of State, and Madison occupied the same relative position in Jefferson's Cabinet. Jefferson named his successor as President of the United States, as eight years later Madison named his.

Madison's training was equally that of a politician and a diplomat. By Europeans he was regarded as a cultivated diplomatist trained in all the arts of the most finished modern school. Singular as it may appear, this reputation was established also in the United States at large, outside of Virginia; in his native State he was known as "Little Jimmie Madison, the politician."

He had never been looked upon as a leader or an orator. He was not a graceful, though he was a logical and convincing speaker. He relied more upon careful preparation and disinterested statement of fact than upon similes of sunset-colored appeals to the imagination. He was shifty rather than steadfast, procrastinating rather than energetic, and cautious rather than bold.

His conduct of the second war with Great Britain, ridiculously termed by many writers as "the second war of independence," was conspicuous for lack of action, of spirit, of energy and of cooperation between the State militia and the regular troops. Naturally, the President was held accountable for all the mistakes made by the land forces. He lost caste not only with the people, but with his own party.

In all fairness, however, the President was seriously handicapped in many ways. The country was very young, very weak and extremely poor—weak from a military and poor from the financial standpoint. Factional political differences frustrated the performance of many commendable national projects.

Opposition to the war was not based on party lines. It is true many Federalists, no doubt the majority in New England, were against war, as many Republicans denounced war in New York. On the other hand, a number of prominent New England Federalists favored the war. Political parties may have influenced, but they did not control, public sentiment on the question. The great body of Federalists was governed by their friendship and affection for Great Britain. Their contention that the United States possessed no sufficient cause for war with England, but had every provocation to fight France, was flimsy and absurd, and carried neither conviction to those who heard it nor respect for those who

advanced it. The class who opposed the war because the declaration was premature and the country was in no condition to fight Great Britain any more than it was to fight France, had more substantial grounds to stand upon and a more reasonable proposition to advance.

For several years British emissaries had been canvassing New England disseminating the insinuation that the Republican party in this country favored France; that Napoleon was more to be feared and was a greater enemy to the United States than England. The strong English sentiment that prevailed in New England permitted these arguments unrestricted sway. From the course of New England during the war, there can be no question that England had insidiously planted the seed in the Eastern States for a recolonization of the American States with a view of ultimately securing possession of all her old colonies east of the Ohio and north of the Potomac. The course of New England amply justifies this impression. Massachusetts was the first State to denounce the war; the New England banks were controlled by Federalist capitalists, and not only refused to loan a dollar to the Government, but to use any influence that would give standing, credit or currency to the Treasury notes. It went one step further. Massachusetts was the first State to draw the line that authority was equally divided between the Governor of a State and the President of the United States, to determine the exigency which required the calling out of the State militia.

Arguments, specious, fallacious and iniquitous were used to the end to split the United States in twain, and obstacles that would have been ridiculous had they not been revolutionary were thrown in the way to embarrass the national authorities. The ringleaders in this conspiracy against the National Gov-

ernment were Harrison Gray Otis, Cyrus King, half-brother of Rufus King, and Governor Caleb Strong. The latter, August 1, 1812, asked the Supreme Court of Massachusetts officially for advice on two propositions: First, Whether the President or the Governor were to determine when the exigency had arisen when the militia of the State were to be placed in the service of the United States; second, whether, when the exigency is determined, and the militia employed accordingly, they can be commanded by any but militia officers, except the President himself. The Massachusetts Supreme Court, to a man, submitted to the influence of their environment and rendered an absurd decision that gratified the Federalists of New England and produced no end of irritation at Washington.

Massachusetts occupied by no means an isolated position on this proposition. Between the first and second sessions of the Thirteenth Congress, she received hearty support from four of her fellow New England States. Governors John Taylor Gilman, of New Hampshire, William Jones of Rhode Island, and John Cotton Smith of Connecticut delivered addresses to their Legislatures, condemning the war and the National Government. Governor Smith's address was by far the most moderate in language and conservative in tone.

It remained, however, for Governor Martin Chittenden of Vermont to defy the National Government and to approach the line that divides sedition and treason. October 23, 1813, he expressed himself to the Legislature in this manner: "The militia," he declared, "was exclusively assigned for the service and protection of the several States, except to execute the laws of the Union, suppress insurrections or repel invasions. It never was

intended that the whole body of the militia were by any kind of magic at once to be transformed into a regular army."

Having delivered himself of this bit of demagoguery, he proceeded the following month to illustrate his ideas in a manner that would have led to serious consequences had a man of more determination than Madison occupied the White House. At a critical period of the campaign, when Hampton's wing of the Northern Army was directed to march into Canada to co-operate with General Wilkinson's Army of Invasion, Governor Chittenden, from Montpelier, and as Captain-General and Governor, issued a proclamation ordering the Vermont Brigade, which was stationed at Plattsburg and operating under the orders of United States officers, to return to their homes, within the territorial limits of their own brigade, there to repel, if need be, the enemy's invasion, either in co-operation with troops of the United States, or separately, as might be necessary.

To the credit of some of the officers of the Vermont regiments be it said, the Governor's proclamation was repudiated. The officers "absolutely and positively" refused "obedience to the order of his proclamation." The final sentence of the address of the officers reads: "A knowledge of your Excellency's character induces us to believe that the folly and infamy of the proclamation to which you have put your signature are chiefly ascribable to the evil advisers by which your excellency is encompassed."

General Jacob Davis of the Vermont militia, who was charged by Governor Chittenden with the execution of his order, was promptly placed in arrest by the regular army officer in command at Plattsburg. The matter was finally taken to the Supreme Court of the United States, whose decision sustained the position taken by the regimental officers, and repudiated the revolutionary

doctrines established by the Supreme Court of Massachusetts and the Governor of Vermont.

While Maryland, whose Governor, Levin Winder, like Governor Strong of Massachusetts, was a hero of the Revolution, sympathized with New England in its opposition to the war and to the Federal administration, President Madison had no cause for complaint against the generous support and vigorous co-operation he received from New York, Pennsylvania, Ohio and Kentucky.

England unquestionably appreciated the position that was assumed by New England toward her, for the protective policy the older country displayed toward that section was conspicuously significant. While a fleet of British war vessels was maintained to blockade the Atlantic coast, not a hostile shot was fired from a British vessel at New England except during the three days' bombardment of Stonington, Conn., August, 1814, nor was a hostile army seen during the war in any one of the New England States. On the other hand, New York, which from the outset had supported the war, felt the full brunt of England's wrath from first to last. The strategic politics of the war can be seen by a review of these facts; and the argument that England was hopeful of the success of her recolonization scheme is strengthened.

Six months after the declaration of war, the National Government was practically bankrupt. The government had but little credit and three millions and a half less custom receipts than in the preceding year, 1811. Foreign loans were out of the question. The great United States Bank, which might have been of some service, had ceased to exist, and the State banks and private citizens opened the only road that enabled the government to face its tremendous responsibilities. Napoleon was conducting his prodigious campaigns, not with loans but with coin. Even Eng-

land, with her unlimited financial influence and inexhaustible credit, had to pay £45,900,000 for a loan of £27,000,000. The war on the part of the United States was to be conducted not by a tax upon the people but by borrowed money. The \$32,000,000 which were raised by Acts of Congress in 1812, were borrowed without any substantial pledge for payment, not even for interest. The \$16,000,000 of 1813 was mostly raised in the patriotic cities of New York State, the price paid being 88 per cent. for 6 per cent., or if at par with an annuity of $1\frac{1}{2}$ per cent. per annum.

The financial operations of government were assailed in the most virulent manner by New England orators and newspaper writers and members of Congress, who asserted that it was the duty of patriotism to defeat the National Government by destroying its credit; they went further and declared that a National debt contracted for a war so unjust, should not be paid. Brokers venally depreciated the loan for speculative purposes and demanded extortionate commissions—a policy of cupidity for which Governor Tompkins was made to suffer, most unjustly, later on. Threatened nullification by South Carolina in 1832 was no more reprehensible or treasonable than the refusal of Massachusetts and Connecticut in 1812-1813 to levy their quota of troops for the National weal.

Villification of the President was carried to extremes by the Federal press. He was subjected to attacks as vitriolic and venomous as any that ever were made upon his predecessors. The same issues that prevail to-day in politics were rampant then; the classes against the masses; use and abuse of power; liberty and license of the press. The President was invariably displayed on the side that would excite public ridicule and contempt. During

an illness in July, 1813, his stomach rejected a black substance. "The President has rejected his conscience," was the comment of a Federalist member of Congress. The charge of habitual intoxication was one of the many serious charges published in the Federalist press against him.

IV.

NEW YORK CITY IN 1813.

ITS CHIEF FEATURES, CUSTOMS AND CHARACTERISTICS — THE OFFICE
OF MAYOR OF NEW YORK ONE OF THE GREATEST IN THE COUNTRY.

DeWitt Clinton was Mayor of New York when hostilities began. He was perhaps the most remarkable man the State of New York has ever produced. Born at Little Britain, Orange County, March 2, 1769, he attended school at Kingston which then had the only seminary in the State, whence he joined the Junior class at Columbia College, from which he graduated in 1786 at the head of his class. During his college career he was thoughtful, careful and diligent, reserved, studious and painstaking. His temper was not of the best and he never seems to have undertaken to control it. Books were his constant companions; the few warm friends he made while at college, he held many years during his tempestuous public life. He studied law in the office of Samuel Jones of New York, who was afterwards Comptroller of the State; but his course was interrupted by his appointment as private secretary to his uncle, George Clinton, then Governor of the State, a position which he held from 1789 to 1795, when his uncle voluntarily retired to private life.

Of an independent nature and with broad principles, he affiliated equally with Republicans and Federalists. So free was this intercourse that men of both parties predicted that in the course of time he would follow the principles which they had embraced. By instinct he was an aristocrat—his manner, his

habits, his tastes, were those of an aristocrat—but by that inconsistent streak that is often found in the makeup of men of genius, he threw his political fortunes against the party to which his natural inclinations would seem to have led him and became identified with that party which by his mental composition and political affiliations, he would be expected to oppose.

He gave but little attention to the practice of the law. He acted as secretary of the Board of Regents of the University and to the Board of Fortifications of New York, when war was believed to be imminent with France. He entered public life by his election to the Assembly from one of the New York city districts in 1798. A year later he was elected State Senator, his antagonism to the administration of Governor John Jay being determined, bitter and unrelenting. He sat in the Constitutional Convention of 1801 and delivered the strongest speech made before that body in favor of the Council of Appointment on the question whether the Council or the Governor should have the disposition of State patronage. The arguments he then advanced he lived to condemn.

In 1802 he was elected to the United States Senate to take the seat General John Armstrong had resigned. The following summer he resigned from the Senate of the United States and accepted the appointment of Mayor of New York city, an honor that had been conferred upon him by the Council of Appointment.

Next to the President of the United States, the Mayor of New York had at his disposal greater power and more patronage than any other public officer in the country at that time. The explanation for Mr. Clinton's resigning from the United States Senate to become Mayor of New York is therefore more readily understood when the habits, characteristics and ambition of the

man are known. The office was at the disposal of the Council of Appointment. The Mayor of New York presided at the meetings of the Common Council, where he had a vote and a deliberative voice. He had the disposal of a large number of valuable offices; he was the judge of the Common Pleas and of the Criminal Court, and the head of the city police. The old privileges granted by royal charter were still in force and the fees, although simple in their items, had by the growth of the State been raised to a very large amount. In justice to Clinton, however, he refused to accept fees, that to one of his predecessors had brought a princely fortune; he returned one-half the emoluments of his office into the City treasury.

Mr. Clinton continued to act as Mayor of New York until 1807, when the Council of Appointment, now controlled by the friends of Governor Lewis, removed him. He had been in a measure compensated for this disappointment by his election to the State Senate in the spring of 1807. He held his seat until 1811 when he was elected Lieutenant-Governor. In the meantime, in 1808, his friends again obtained control of the Council of Appointment and he was restored to the position of Mayor of New York city. Removed again by a Federal council in 1810, he was reappointed the following year and retained the position all through the war. He was a man of unbounded ambition and aspired to the highest positions in civil, judicial and military life. He requested Governor Tompkins to appoint him a major-general, but for some reason the Governor could not see his way clear to do so.

As mayor he realized, and no one better, the exposed position of New York. He drew up and presented to the Corporation a report on the means necessary to fortify the city,—one of the most important documents to which his name is allied. He

pointed out that while England was shipping the army of Spain and Portugal to our coast, only 1,600 men had been left for the defence of New York. No other mode of attack had been anticipated by the government than from ships of war attempting to pass through the Narrows. The State had provided for fortifying the pass at Hell Gate, but no preparation of any description had been made in case an army of invasion were to be landed on Long Island or from Long Island Sound in Westchester county. He suggested that fortified camps should be established at Brooklyn and Harlem, and that a sufficient body of militia should be called out to garrison them. To accomplish this object, he appended to the report eight resolutions. By the first, a committee of the Common Council was directed to solicit the attention of the President of the United States; by the second the Governor of the State was requested, under the authority of the Militia Law, to occupy the proposed camps, and authorized to raise a loan of \$300,000 necessary to carry out the provisions of the acts. The other resolutions had reference to munitions of war, and to the manner in which the money should be raised.

Although the City Council at that time was politically opposed to Clinton, all partisan prejudices were buried; patriotic unanimity obtained in its deliberations. It has been claimed by the friends of Governor Clinton that this report opened the eyes of Governor Tompkins to the defencelessness of New York, and led the governor to pour militia into the metropolis. Under the authority of the president, Governor Tompkins assumed command of these troops.

In 1813, New York had already attained the title of the metropolis of the western continent. Three years before, the population amounted to 96,373 persons, nearly one-tenth the population

of the State (959,049), but an enumeration of the city at the close of 1813, showed a decrease of over 2,000 persons. During the next ten years, however, in spite of the war, the population increased to 123,706, while the State was represented by 1,372,111. At the breaking out of the war, the State was divided into forty-six counties, the following not having been organized: Warren, Oswego, Hamilton, Tompkins, Livingston, Monroe, Erie, Yates, Wayne, Orleans, Chemung, Fulton, Wyoming and Schuyler.

The city of New York of 1813 was as unlike the city of New York of to-day as a log hut in the wilderness is unlike a Fifth avenue mansion, or a wooden seventy-four-gunship is unlike the modern steel battle-ship. The belated citizen found his way home at night by the uncertain flickering of whale-oil lanterns which were placed at intervals of 114 feet. Under the original act of 1697, the city was to be lighted in "the dark of the moon." When the moon was full, whether the sky was clear or overcast, the lamps remained unlighted. The house of the opulent citizen indulged in "coals from Newcastle" for parlor grates; anthracite had not been utilized and wood was the common fuel. The hall of the average house was as cheerless in freezing weather as the bedroom. The match of the present day was unthought of. Tinder boxes or flint furnished the favorite method for "striking a light."

Along Broadway, residences were lofty, commodious, and solidly built of brick. Wooden houses were in the majority on the side streets. The average merchant lived over his store. Very few buildings, however, were erected between the years 1810 and 1815. A traveler of the time attests that many of the shops were stocked with the finest English and Indian goods. The people were not given to early rising. Business for the day as a rule,

opened at nine in the morning, and, with intervals for dinner, between half-past one and half-past two, and supper from six to seven, continued till nine o'clock in the evening.

Streets were well paved and were swept and cleaned by every householder, Saturday morning. The rest of the week they were neglected. Red brick sidewalks were general. A dozen "burying grounds," as the cemetery of to-day was known then, in the heart of the city, endangered life and health; nor was it until the cholera smote the city several years later, that the authorities realized the hygienic and sanitary necessity of prohibiting more interments within the city limits.

The clergyman of that epoch declaimed against tight lacing, and sharply criticised young women who compressed their figures between rigid lines of steel, or whalebone and of "stay tape." At funerals the physician, doctor and chief mourner, were distinguished by white scarfs, which were worn across the shoulder.

Dancing schools were numerous and prosperous. The minuet had not gone out of fashion; the cotillion was the favorite dance. Negroes and mulattoes made the best servants, although the French and English waiter had become a fixture in the houses of the well to do. The Irish servant was only seen attached to the establishment of a traveling foreigner. Up to this year immigration from Ireland had been merely nominal. It set in with a vengeance, however, as soon as the keen-witted people realized that all chance of England's reclaiming the United States as Colonies had vanished.

Pumps supplied all the water necessary for drinking, and wells in the yards of houses for general household and laundry purposes, and for fighting fire. The bucket brigade was an important factor in the event of a big fire. In particularly cold

weather, the principal morning exercise consisted of breaking the ice that had formed over night in the water pitcher.*

The Manhattan Company, a number of years before, through the influence of Aaron Burr, whose power in the State as a politician was at its height, had obtained a charter from the Legislature, to provide the city of New York with a supply of free and wholesome water. A covert provision permitted the company to engage in the banking business. The company sunk a well in Reade street near Center, whence water was pumped into a large reservoir that had been erected in Chambers street. The water was distributed through log pipes that had been laid in certain streets of the city. From the ostensible purpose of its charter, to give the city a supply of water, the receipts of the company were but nominal; from the real object, the establishment of a big banking institution, its profits were prodigious. The term "watering stock" originated with this reprehensible piece of legislation.

Rooms were lighted by candles, or oil lamps. There was not a bath tub to be found in any private or public house in this city of nearly 100,000, outside of a public bath on Chambers street.

* Facts do not bear out the oft-repeated statement that the winters of the past were more severe than the winters of the present time. For instance, the winters of 1778 and of 1779 were so mild that navigation between New York and Albany was not suspended by sailing craft. The winter of 1780 struck an average. It was the coldest winter, from all accounts, New York ever experienced. The Hudson was frozen from Cortland street to Paulus Hook, and the upper bay from the Battery to Staten Island. The ice was strong enough to bear the weight of artillery trains. Governor Tryon measured the North River at Cortland street and found it to be two thousand yards across to Paulus Hook.

January, 1821, the Hudson was again frozen over. The thermometer registered 14 degrees below zero and for three days remained under 10 degrees above zero. Had as many steam ferry boats, steamships and harbor crafts been in existence then as now, it is not at all likely that the river would have been frozen. And, were it not for the presence of these numerous vessels, plying trade day and night, the experiences of 1780 and 1821 would have been repeated several times since.

Carpeted rooms, outside of parlors, were rarely seen. Ice had not been generally adopted. Sand for scrubbing purposes was brought from Coney Island. Bull-baiting, slavery and lotteries were recognized attractions of society. The prejudice against tomatoes, "Love Apples," as they then were called, was strong. Hogs and cows roamed the street with the same freedom as they now roam the thoroughfares of some of our large western cities.

Men wore mustachios, but not beards. A southern visitor could readily be distinguished—by a goatee or imperial. Heavy top or box coats with several capes were fashionable. Before war was declared cigars cost two cents apiece, the finest Havanas, five for a shilling (twelve and a half cents); chewing tobacco, the habit was more common then than now, three cents a paper; brandy, half a shilling, ale, two or three cents a glass. During the progress of the war, however, these prices were materially advanced. Pipe smoking was as scarce as white handkerchiefs. The former was frowned down upon because it was regarded purely as an Indian habit.

Whiskey had been introduced in Baltimore, but as a habit its acquaintance had not been made by New Yorkers. Sherry was the favorite wine; Rhine wine was not unpopular; champagne was expensive and too much of a luxury. Oysters and fish of all kinds were abundant, excellent and cheap. The best snipe in the vicinity were shot over Lispenard's meadows, the tract of land running west of Broadway, from Duane to Broome streets to the North river, and on the site of the present Tompkins square, which was then a swamp. Larger game was found in the country north of the present Houston street on the east side and Greenwich village on the west side of the town.

Milk was brought to town from the near by farms of New Jersey

and Long Island, and was distributed by women, who carried it in tin cans suspended from their shoulders.

New York was famous for its markets, from earliest times. In 1813 the city supported a public market every day, except Sundays and the few holidays, of the year. Fish and milk could be obtained on Sunday up to nine o'clock in the morning. City ordinances were enforced, to protect the inhabitants from stale and unwholesome food. Butchers' meats, poultry, fowl and game were unsurpassed anywhere on the face of the earth. Immediately after the war, food was so cheap and wages were so high, that the family unable to procure meat every day in the week, was a rarity. The prodigality of living was a feature of the times.

Kitchen gardens and truck farms, the best in the world, surrounded New York on all sides. From Long Island and New Jersey, and from the valley of the Hudson, the freshest vegetables were produced, and placed on sale in New York city in a few hours. As a rule, the man of the house attended to the marketing for the family. One of the features of the town, on Sunday or Monday, was the arrival of the market sloops from Albany, Hudson, Kingston, Poughkeepsie, Newburgh—which even in those days was famous for its rich and delicious milk—Nyack and Tarrytown.

Newtown pippins and Long Island cider were great attractions. Many barrels of the former were annually exported.

The area of amusement was exceedingly limited. Clubs, pleasure yachts, billiard saloons, bowling alleys, restaurants, in the modern sense, were practically unknown; the town supported, and that indifferently, but two theatres. In summer the favorite dissipation consisted in strolling down to the Battery or taking the ferry to Hoboken, where the popular tippie, a sherry or port

wine sangaree titillated the taste of the epicure; and in winter, when the night was blustery and stormy, to visit the neighboring tavern, where the most seductive and redolent beverages were on tap. The charms of home life at night consisted of a roaring grate fire, olekeoucks, cider or mulled ale, fruits and nuts, and in listening to tales, by the glow of the fire, of ancient New York, when Leisler and Milborne were hanged for treason, or when Pieter Stuyvesant had given one of his more than usual turbulent exhibitions.

Transportation was attended with difficulties that would deter many citizens to-day from undertaking a long journey. The mariner coming into port on a dark night had to rely solely upon his compass, for not a light marked the harbor from Sandy Hook to the Battery. Steamboats, which had become a reality six years before, owing to the inventive genius of Robert Fulton, attained a speed of from five to nine miles an hour. Passengers were conveyed to Albany on what were termed "elegant conveniences," steamboats, three of them, the largest 170 feet long. With numerous landings on the way, the distance of one hundred and fifty miles was covered in from thirty to thirty-six hours, according to wind and tide. One day in June, 1813, a fleet of nine steamboats lay off the foot of Cortland street, New York, to the delight and admiration of the spectator; the "Robert Fulton," bound up the East river, one steamer for Elizabethtown, N. J., one for Washington, D. C.; one for the James river; a ferry for Paulus Hook—now Jersey City—which was established in 1767, has been maintained without interruption until the present day, and holds the distinction of running the first steam ferryboat in the world, under the management of John Stevens of Hoboken; another ferry for Hoboken, one for Amboy, and two of the Albany "elegant conveniences."

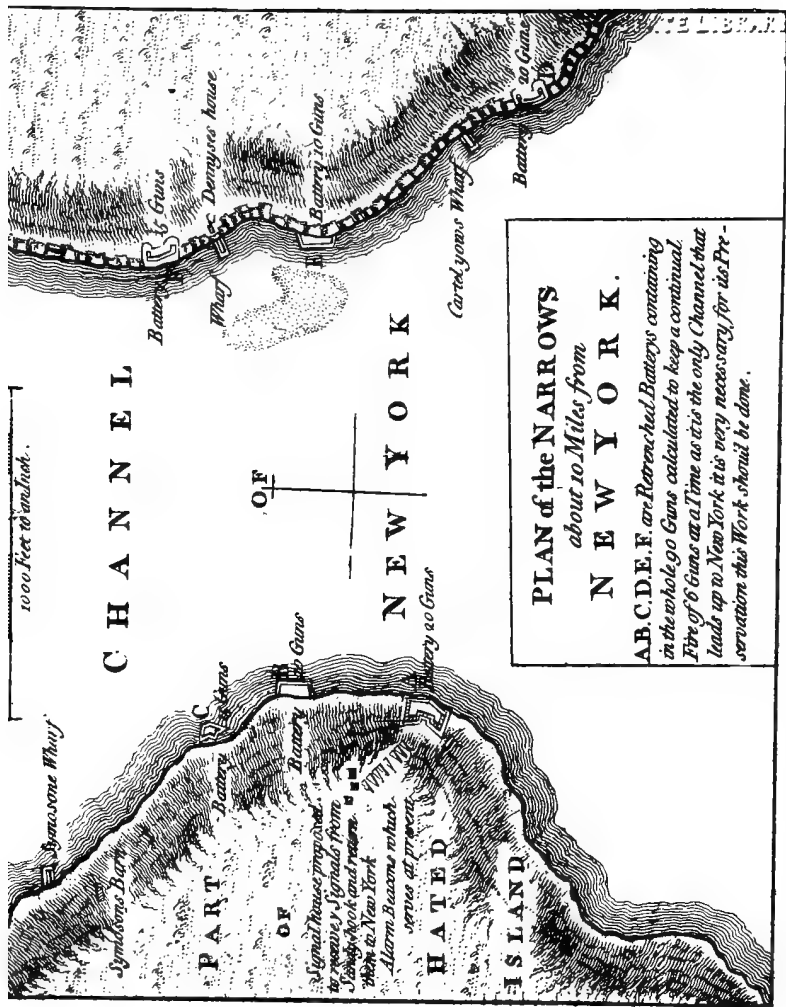
Up to this time the favorite way of reaching Amboy or Elizabethtown, then on the direct road to Philadelphia, was by the "perriaugur," a sailing vessel with two masts, carrying two large sails, lee boards supplying the place of a keel.

Philadelphia, by steam and stage, was thirteen hours distant from New York; Pittsburg six days, allowing for the stops over night; Buffalo, in a trifle over four days—now the distance is covered in a few minutes over eight hours by the New York Central Railway's Empire State Express; Montreal, by water to Albany, thence by stage to Whitehall, in a few hours over three days.

The country had established over 1,500 post-offices, but the service was slow, expensive and uncertain. The postboy on horseback was a feature on post lines not navigated by steamboats. One mail a day was sent from New York to Washington; the time consumed between the two cities, thirty-six hours, seems to have been generally acceptable as the best that could be done, under the circumstances; to-day "the Congressional Limited" on the Pennsylvania Railway covers the distance in a few minutes over five hours.

The circumference of the port was nearly thirty miles, following a line drawn from Fort Gansevoort, at the foot of West Thirteenth street, to Hoboken, and thence to the Narrows, on the west, following the Long Island shore line to the Brooklyn Navy Yard, crossing the East river to the ship-building yards. The exports of New York city in 1791 were one-ninth of the aggregate exports of the United States; 1794, nearly one-eighth; between 1796 and 1806, between one-quarter and one-fifth. The embargo paralyzed business. During the year 1813, the value of merchandise exported from the district of New York was \$8,185,494, against

\$26,357,963, in 1807; the abstract of duties on imported merchandise for 1813, amounted to \$1,624,574.20, against \$5,223,696.45, in 1810, and \$10,785,354.42 in 1816. Nearly all the goods imported were procured on credit. Private and public indebtedness had increased to a disastrous extent during the war, and general bankruptcy, private and municipal, State and national, was threatened. Banks had refused to redeem their issues; public stocks dropped far below par, and general depression settled over the land, crippling many of the largest and hitherto prosperous establishments, and discouraging nearly all, except those who were trading on what was left of the credit of the general and State Governments. As a war measure the city authorities issued a vast amount of small bills, to supply the place of specie, and these bills, for a long time were the chief circulating medium of the city.



This map is taken from "The Plans and Forts in America," as gathered by Mary Ann Rocque, and printed in 1765. English engineers projected the works as outlined on the map, but the plans were not carried out strictly on these lines. It will be observed that the present fortifications on Staten Island cover the sites selected by engineers over one hundred and thirty-three years ago.—STATE HISTORIAN.

V

EARLY FORTIFICATIONS AROUND NEW YORK CITY.

A GENERAL HISTORY OF THEM—SANDY HOOK AND THE NARROWS
FROM EARLIEST TIMES REGARDED AS NATURAL POSITIONS FOR
DEFENCE AGAINST AN APPROACHING ENEMY.

The strip of deep water, which divides the Long Island and Staten Island shores, called the Narrows, has always from earliest times, been regarded as the most natural approach to Manhattan Island. Through this strait passed the "Half-moon," Hudson's eighty-ton vessel, that brought him across the sea to discover the magnificent stream that now bears and for all time will bear his name. Four years later, the first enemy that approached New York, used the Narrows, Samuel Argall, Governor of Virginia, who had destroyed the defenceless French settlements of Acadia and who now dropped in to pay his respects to the Dutch Governor, Hendrick Christiaensen. Argall demanded a surrender and Christiaensen promptly complied. New York city at that time consisted of four houses, whose tenants offered no resistance to the Englishman and his armed ship.

The first record of fortifications on or around Manhattan Island is found in 1614. One or two little forts had been constructed by the Dutch, who maintained a small garrison to transact trade with the Indians. Between 1623 and 1633, the incorporated West India Company built four forts in the New Netherlands, one of which was at New Amsterdam (New York city), the other at Orange (Albany).

In 1643 complaint was made by the settlers to the State's Gen-

eral of the New Netherlands that Fort Amsterdam was utterly defenseless, "and stands open to the enemy night and day."

The first marked instance of the loyalty, disinterestedness and generosity of New Yorkers is found in the Colonial Records covering the year 1653. Even at that early period the budding success of the province, due to the thrift and enterprise of her Dutch inhabitants, excited the cupidity of the Yankees of New England. The war prevailing between England, which was then under the control of Oliver Cromwell's government, and the States of Holland, gave the Puritans the opportunity to recommend that the English Protector should organize an expedition to capture New Netherland.

The English appetite for conquest, always insatiable from time out of mind, bit at the opportunity to grab the province of New Netherland and the expedition against the Dutch was ordered, the objective point being New Amsterdam. All emigrants upon arriving in this country had been given the strongest assurance by the Dutch West India Company of protection against the common foe. While they were expected and were willing to defend their homes against the assaults of invaders, they had been assured, and they believed, they should not be required to work on the defences or to render financial contributions to that end.

The dilemma in which they now found themselves was not only perilous, but threatened disaster to the province. The only alternative presented to them was to obey the behest of the Dutch Governor, Pieter Stuyvesant, or to surrender the province without a contest. No time was left for crimination, explanation or protest. The inhabitants set to work with a will to build the historical palisades or stockade from the East

to the Hudson river, along what is now the northern limits of Wall street. They also aided in the construction of works of defense along the shores of the East and Hudson rivers. Nor did they stop here. With no other security than the say so of patriotic citizens, a liberal loan was raised, the home government forcing this responsibility upon the province.

The patience of the loyal people was about exhausted; and when Governor Stuyvesant served notice that the burgomasters and schepens of the city were expected to supply the fortress with provisions, in addition to all the contributions they had already made, there was open revolt. The Governor was as stubborn as they. Their demands for equity and protection were refused. In retaliation they resisted the unreasonable encroachments he had attempted upon their liberty. The outcome of the squabble would have been highly interesting, had not information arrived that as the English fleet was about to start from Boston, news had been received that peace between England and Holland was restored.

Out of this apparently insignificant episode dates the history of excise in the city of New York. The tapsters' excise on wine and beer was the source of substantial revenue to government. To meet the expenses of the city works which amounted to 16,000 florins or \$6,400, computed in the currency of to-day, the citizens requested Governor Stuyvesant to transfer that amount from government's funds to the credit of the city. The testy Governor stumped with his wooden leg, ridiculed the proposition and abused the proposers. The city authorities were insistent, and in 1658 a satisfactory compromise was agreed upon, the government having yielded concessions to the city in other matters.

The English fleet that brought over Colonel Richard Nicolls in 1664 to subjugate the Dutch in New Netherland—the fleet consisting of four ships and four hundred and fifty regular troops—approached the city by the way of Sandy Hook and the Narrows. Elkins, a Dutch governor, who came out the year after Christiaensen's submission, had thrown off all dependence on the English, with the result that the province continued under Dutch jurisdiction until Colonel Nicolls appeared on the scene. Governor Pieter Stuyvesant, who had taken office in 1647, though choleric and unbearable, was a courageous man and a determined soldier. He declared his intention to fight the English. The local authorities implored the high-strung governor to submit and the province with all its dependencies was surrendered to the English.

The garrison retired with all their arms flying and drums beating; “and,” says the chronicler, “thereby the English, without any contest or claim being before put forth by any person to it, took possession of a fort built and continually garrisoned about forty years at the expense of the West India Company.”

The garrison, at the time of the surrender, consisted of one hundred and eighty soldiers, and twenty-four pieces of artillery. Pieter Stuyvesant, in his answer to the comments of the West India Company on his report on the surrender of New Netherland, describes the fort as follows:

“First. The fort is situate in an untenable place, where it was located on the first discovery of New Netherlands, for the purpose of resisting any attack of the barbarians rather than an assault of European arms, having within pistol shot, on the North and Northeasterly sides higher ground than that on which it stands, so that, notwithstanding the wall and works (muragie)

are raised the highest on that side, people standing and walking on that high ground can see the soles of the feet of those on the esplanade and bastions of the fort, where the view is not obstructed by the houses and church in it and by the gabions on the wall.

“Secondly. The fort was and is encompassed only by a slight wall, 2 and 3 feet thick, backed by coarse gravel, not above 8, 9 and 10 feet high in some places, in others higher, according to the fall of the ground.

“Thirdly. It is for the most part crowded all around about with buildings; better adapted for a citadel than for defence against an open enemy; the houses are, in many places, higher than the walls and bastions and render these wholly exposed; most of the houses, also, have cellars not eight rods distant from the wall of the fort, in some places not 2 and 3 feet, and at one point scarce a rod from the wall, so that whoever is master of the city can readily approach, with scaling ladders from the aforesaid houses, the wall of the fort, which is unprovided with either a wet or dry ditch; and also, if need be, run a mine from the so close adjoining cellars and blow the place up. Besides this, the fort was and is without either well or cistern.”

The English remained in undisturbed possession of the province, whose name was changed from New Netherland to New York, until the 13th of August, 1673, when a Dutch squadron, consisting of nineteen ships of the line, under command of Commanders Cornelis Evertsen, Jr., and Jacob Benckes, which had arrived on the 29th of July previous, during the absence of the governor, Sir Francis Lovelace, demanded the surrender of the province, which demand was acceded to by the inhabitants on the 16th of August. The name of the province was changed to New

Netherland and of the city of New York to New Orange; of the fort to Fort William Hendrick.

The triumph of the Dutch was brief, for the following year peace was established between England and the States General, of Holland, by the treaty of Westminster. Under the sixth article, England regained the province of New York, and maintained it until the final separation between the Colonies and the Mother Country.

January 20, 1664, the first mention of fortifications on Staten Island is found in the Dutch records. The Director and Council of New Netherland complain because incorrect information had been sent them, relative to the fortification or defensible condition of the mouth of the river (Hudson) both on Staten and Long Island.

The Wall street palisades which were constructed in 1653 when war was apprehended with New England, were materially strengthened in 1673, after the recapture of the city by the Dutch, and upon the recommendation of Governor Colve, "houses, gardens and orchards" that obstructed the work were ordered to be removed.

By 1692, decay had weakened the foundations, and Governor Henry Sloughter in his speech, August 17th, reported "the fortifications are out of repair." The governor announced his intention of erecting a battery on the south point of the island, for the periodical war between England and France was threatened. He requested the citizens to lend him financial assistance.

The citizens declared that under their charter they had no authority to impose taxes upon the people for such a purpose. The governor saw otherwise. He put into practice the first inheritance tax known on the island. Estates were subjected to a tax of

three pence on the pound, for the construction of the platform and battery. An additional tax of £233 was added for purposes of defence, by the city, upon a mortgage of the ferry.

During the invasion of Canada, in 1689-1691, New York city suffered heavily. The citizens not only contributed their services in working upon the fortifications, but they cheerfully met every assessment that was levied upon them for the prosecution of the war. In 1693, by act of Assembly, £6,000 was ordered to be raised by tax; of this amount, £1,450 fell upon New York city. The city was also taxed for the construction of the fort at the battery the following year.

Under date of May 3, 1699, the Earl of Bellomont wrote to the Lords of Trade, and recommended the construction of good stone forts at Albany and "Schenectade," and repairing the fort at New York, which he estimated would cost £1,000. He said further: "Tis wonderful to me how Coll. Fletcher could pretend to apply the greatest part of the thirty pound pr Cent to the repairs of this Fort and the Governor's house, when I found everything out of repair when I superseded him. The palisadoes of this Fort are quite decayed and the larger part of them destroyed and rotting; one of the bastions crack'd through, which will fall if not speedily rebuilt; the parapet gone to decay and must be renewed; the palisados 'tis computed will cost £600 at least to be well done and the bastion £200 and the parapet £200. The roof of the house too is out of repaire so that it rains in, and the lowest floor is decayed and rotten so that I believe the repair of the House will cost near £200 more. I must not omitt to observe to your Lordships that the old part of the house is a comfortable, convenient dwelling enough, and might have contented a Governour of a much better quality than Coll. Fletcher; and the new building will cost first

and last about £5,000 New Yorke mony; so that tis plain here is so much mony consecrated to his vanity. Where all this money will be got to build and repaire Forts, I cannot tell, unless Fletcher be made to refund to the King. The Assembly here I am almost certain will not be brought to raise it for I cannot prevail with 'em by any means to consent to such an additionall duty as will pay the debts of the Government, which amount to upwards of £5,000."

One of the most interesting ancient military documents relating to the defences of New York, is the report made to the Governor, the Earl of Bellomont, by Colonel W. W. Romer, whose name is perpetuated by the shoals that bear his name in New York harbor. The report is dated January 13, 1701. Colonel Romer found the distances at the Narrows between the heights on the Long Island and the Staten Island shore, to be one and one-half miles in breadth; depth of water from four to thirteen fathoms. He recommended that "there ought to be, both on Long and Staten Islands a sufficient battery with a good redoubt on each height, enclosed with proper lines of defence, communicating with the respective Batteries, and that each be furnished with 30 guns carrying 18 a 24 lbs. ball." He further recommended that a battery should be erected on Schutter's Island in the Staten Island Kills, twelve or thirteen miles from New York, to protect the town from an approach by way of Amboy. He pointed out the importance of Sandy Hook, because "reason and the Rules of War agree, that an enemy must always be kept as far off as can possibly be done, that a good blockhouse and fortification ought to be erected on the aforesaid Hook, as they would be very useful there, the channel and entrance being very narrow, and vessels on that account must pass immediately under the Hook." For these reasons he recommended "a good blockhouse and Fort of 50 guns."

“Further and lastly” he ends his report, “an enclosed battery of 12 or 13 guns ought to be erected at the narrowest part of Hell-gate, to prevent the entrance of an enemy at that point also. All this being done I am persuaded an enemy will bethink himself a hundred times before he will meditate any attack upon New York.”

April, 1702, Lieutenant-Governor John Nanfan urged in his address to the Legislature, that the fortifications be “put in a good posture of defence.” The following October, Lord Cornbury (Edward Hyde), then governor, in his speech, declared that the city and port of New York “was very much exposed.”

It was not until 1703 when the British Colonies in North America were terror-stricken lest a French fleet should attack and conquer them, that the importance of erecting fortifications at the Narrows was realized. The war of the Spanish Succession was on. Leagued against France were England, Holland and their allies.

Governor Cornbury, in his address to the Assembly, of April 13, 1703, makes no effort to conceal his anxiety. He announced that he had received information that the French proposed to attack New York, by sea, the coming summer. “I think,” he said, “the best way to prevent their design will be to erect two batteries of guns at the Narrows, one on each side, which I believe is the only way to make this port safe.”

Three years later Governor Cornbury reproaches the people for their failure to erect the fortifications at the Narrows. The city, he declares, “lies very open, naked and defenceless.” “I must take notice to you,” he continued, “that the last Assembly (in 1703) did pass an act for the raising of £1500 towards erecting Batteries at the Narrows, which would have been of very great

use at the time, had the money been collected; but it has not. I am sensible that some malicious, ill-minded people have reported that I had taken that money into my own hands. That the truth hereof may be known and justified, I recommend to you to make strict inquiry into that tax."

A suggestion of Washington's famous utterance "to be prepared for war is one of the most effectual means of preserving peace," is found in the speech which Governor William Cosby uttered to the Assembly, April 25, 1734: "The safety and protection of the Harbor of New York and of the frontiers, no time being so fit to guard against our future enemies as a time of peace; the duration of the present peace being uncertain."

The usual urgent plea was made for an appropriation—for the construction of a Battery in New York city, at the Point of Rocks (the Copsee battery, it was called,) by Whitehall, and of new forts at Albany and Schenectady, reinforcing a suggestion that had been filed with the Lords of Trade, fourteen years before by Brigadier-General Hunter, who described the works at New York as "a fort of four regular bastions, fifty guns mounted, faced with stone, with neither fossee nor outworks."

The alarm consequent upon another expected rupture with France, persuaded Governor George Clarke to repeat the suggestions of his predecessors and call attention to the city's defencelessness, April 15, 1741. He requested that batteries be erected upon the wharves facing the harbor, and that one be placed at Red Hook on Long Island to prevent the enemy from landing upon Nutten (Governor's) Island.

Again, June 25, 1745, Governor Clarke suggests to the Assembly the construction of a battery of twenty guns at the east end of the town off the harbor, "and of other batteries at other points

in the town, plans for which he promised later to place before them."

With a war close at hand, Governor James De Lancey reported, October, 1753, that the Copsee Battery was in a ruinous condition. The government not only would not construct new fortifications, but refused to keep in repair those that were garrisoned. All the burdens for defensive expense, such as they were, and for the times taxes were oppressive enough, fell upon the colonists. England's policy of grab and grind was exercised not alone upon her colonists in America, but upon her dependents in India. The colonists were expected to return fabulous profits to the mother country, and to submit to the most unjust regulations and laws. The more generous the colonies, the more exacting became the demands of England.

It is not necessary to enumerate the multitudinous exactions that were made upon the colonists or to dwell upon the general and loyal compliance with which all were met. Scarcely a year passed from 1700 to the outbreak of the French and Indian war that the good-natured and much-imposed-upon colonists were not called upon to honor some extra draft drawn by England, upon their patience and their purse. The province of New York contributed £5,000 toward the Braddock campaign. The following year came the long-threatened French invasion and it cost the province £45,000 to put itself in condition properly to meet the enemy. August, 1755, the news of Braddock's crushing defeat and rout struck the colonists with terror. A £10,000 tax was at once levied upon the province, which was also compelled to maintain 400 men at Crown Point. One month later £8,000 additional were raised to be contributed for Connecticut toward

the expense of sending reinforcements to Crown Point. During 1757 the province of New York raised, transported and subsisted 1,000 more men for the same expedition, but the expense thus incurred was eventually borne by the home government.

The resources of the Province were stretched to the limit the following year. Bills of credit were issued which aggregated £100,000, redeemable by payments of £12,000 in 1759 and of £11,000 in each succeeding year until the entire amount was liquidated. This generous contribution to the good cause—displaying a financial condition as sound as it was patriotic and loyal—justified the colonists in the conviction that New York was already a powerful factor in the aggregation of American colonies, and opened their eyes to certain possibilities that no doubt exerted an influence that can not be measured when the time came to break with the mother country.

In the meantime Lord Loudoun, with a large fleet, had arrived in New York in 1756, and, for the first time in its history, the city was put into proper condition for defence by land and by sea. A new line of defence, consisting of palisades, was thrown up across the island from river to river, not far from the line of the present Chambers street. The “upper barracks” was built north of the City Hall park, on what is now Chambers street, the colonists cheerfully submitting to a construction tax of £3,500; (the “lower barracks” stood on the Battery near Whitehall street, on a line with the present State street).

Upon taking possession of the city in 1776, Washington sank obstructions in the North and East rivers, and threw up fortifications to guard the narrow passages. Fort Washington was constructed near the north end of Manhattan Island, and Fort Lee on the Jersey shore opposite. Both of these were regarded

as strong works. The fort at the Battery was overhauled and strengthened and a small additional battery was placed on Broadway above Bowling Green. Behind Trinity church another battery was erected on an eminence, and called McDougall's Battery, out of compliment to the patriot who constructed it. On the east side of the city two other batteries were constructed, one at the foot of Maiden lane and another at Corlear's Hook, near the present Grand street ferry.

In April, Governor's Island had been occupied by 1,000 American troops, and a couple of small batteries were hastily erected.

In Brooklyn, a line of works extended from the Wallabout, now the Navy Yard, to Red Hook. Most of the streets were barricaded and here and there in the city small works were thrown up at every vulnerable spot.

After the American army evacuated New York, the English troops constructed a number of works on the upper end of Manhattan Island, whose positions will be described later on; the small batteries on Governor's Island were strengthened and lunettes were thrown up on the sites of the Staten Island and Long Island forts at the Narrows.

Up to the War of 1812 the States were expected to construct their own fortifications and to bear the expense, subject to whatever assistance, great or small, Congress might from time to time render. Fort Jay, on Governor's Island, was built soon after the adoption of the Federal Constitution. As far back as 1765, however, British engineers had recommended that strong works be erected on either side of the Narrows. Congress, in 1794, considered the matter of fortifying the important ports of the country. It was estimated that \$12,522.36 would be necessary to con-

struct batteries on Governor's Island and in the city of New York. Three thousand one hundred and sixty-one dollars and sixty-eight cents of this amount were to be used in fortifying Paulus Hook. At that time Fort Wood, on Bedloe's Island, had been started.

Between 1794 and 1801, Congress had appropriated \$100,023.41 on the construction of Fort Jay and the smaller works on Governor's Island. It was estimated that \$60,000 more would be necessary for repairs and improvements. In 1806 Fort Jay was demolished except the walled counterscarp. The construction of Fort Columbus was begun.

From the report of the Secretary of War, made by direction of the President, February 18, 1806, the following remarks are found, relative to New York harbor:

“ In the year 1794 and 1795 considerable expenses were incurred in the harbor of New York, in fortifications on Governor's, Bedloe's and Ellis's Islands, and in front of the city.

“ On Governor's Island, a regular enclosed work, with detached batteries for heavy cannon and mortars, was erected with a magazine and barracks, which require considerable repairs and improvements. On the other islands, there were batteries and magazines, with some barracks, which also require repairs.

“ A formidable battery of heavy cannon and mortars (which is now in ruins) was erected in front of the city. A heavy park of artillery was also mounted on travelling carriages, and placed in a building belonging to the State, within the city.

“ No considerable improvements have been made on the above-mentioned works, or additional fortifications erected, for the defence of the harbor of New York, within the last five years; there having been no funds for those objects furnished by the

State, as contemplated by the Act of Congress of the 3d of May, 1798, and understood to have been intended by the State.

“Engineers were employed by the Governor of the State to survey and examine the harbor, and to report the best practicable mode of defence. The report, accompanied by drawings and estimates, was transmitted to the President of the United States in the year 1801. By this project, the principal works were to be at Sandy Hook. The estimates, amounting to \$3,968,658, were considered as a sufficient reason for rejecting the report; the debt of the State of New York (which was the limit of the sum authorized to be expended) being only \$1,852,035. In January, 1805, a report was also received from another engineer, accompanied by a letter from the mayor of the city, in which the Narrows were contemplated as the principal place of defence. The estimates for completing the works amounted to \$2,000,000, and the plan of defence proposed inspired no confidence.

“Lieutenant-Colonel Williams, of the corps of engineers, was, last autumn, directed to make such a survey of the harbor of New York, as would enable him to report, with accuracy, the width of the Narrows, from the water’s edge on each side; the distance from Governor’s Island to Bedloe’s, to Ellis’s, and to the battery in front of the city, and from the city to the nearest point on the Jersey shore. This duty he performed, and reported, accompanying his report with a drawing of the harbor, showing the relative situation of the several points alluded to in his instructions, with remarks on the city generally, and particularly on fortifying the Narrows.”

The Secretary had this further to say:

“It will be recollected by many that in the summer of 1776 a

British ship (Asia) of about forty guns had been some distance up the Hudson above New York; that it was known that she would soon pass down by that city, and the batteries were prepared at several places on the bank of the river, in and above the city, with the most sanguine expectations of destroying the ship on her passage; but, although she descended in the day time, with a moderate breeze, which afforded full time for the batteries to act on her, and a tremendous cannonade commenced from the respective batteries as she passed, no apparent injury was received by the ship; and it was generally remarked, that she appeared to be no more incommoded by the batteries than if no shot had been fired. Her distance from the batteries was about half a mile, which is little more than the distance of the center of the channel in the Narrows from any batteries which could be erected on either or both shores.

“It now remains to be decided: 1st, Whether the batteries or any other points, so susceptible have been so fortified as to afford a sufficient defence to the harbor and city?

“2dly, Whether any other practicable system of defence may be sufficiently relied upon?

“3dly, What general or particular system ought to be adopted?”

At every session of Congress the mode of fortifying New York was impressed with an emphasis that increased from year to year. As far back as 1806 the population, extent of resource, capital and enterprise of the city was constantly used in arguments before Congress, for appropriation for fortifications and the claim was then made that one-third of the National revenue of the capital was collected in New York city. The State had already purchased for defensive purposes the land on which the forts at Staten Island now stand. The greater part of Governor's Island also

belonged to the State. During the threatening days of 1807 the Legislature of the State of New York adopted resolutions requesting "that adequate measures should be adopted by the National Government for the protection of the port of New York.

"That the agricultural as well as commercial interests of the State are deeply interested in this most desirable object.

"That in surrendering to the United States the revenue received from imposts, this State expected, and has now a right to expect, that a competent portion of that revenue would be appropriated for its defence, and that the Congress of the United States are bound by their constitutional duties, as guardians of the common defence and general welfare, to satisfy this proper and reasonable expectation."

In the report of the Secretary of War, communicated to Congress, January 6, 1809, it was stated that "the works undertaken at New York are calculated to annoy and injure any invading force which shall enter the harbor and still more one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks has been contemplated, and would, as is believed, with the auxiliary means already provided, render that city safe against invading enterprise."

Fort Columbus was reported to be nearly completed, and on it fifty cannon had been mounted. Castle William was completed to the second floor, and was in shape to receive its first tier of guns which were mounted and ready to be placed. On Bedloe's Island a mortar battery covering the anchorage ground between Red Hook and Quarantine had been started, and an open barbette battery for heavy ordnance on Ellis's Island was nearly finished.

Off Hubert street, New York, 200 feet without the permanent line of the city, a battery, the North Battery was commenced and

finished that year; preparations had also been made for erecting a heavy battery on the stone foundation of the superstructure of the solid mason work at the southwest point of the city, the present Castle Garden.

December 21, 1809, Secretary of War, Eustis, reported that "Seventy-one guns were actually mounted" for the defence of New York; 150 may be actually brought into action on an emergency; and the works for the defence of the city of New York are calculated for 300 guns and 10 mortars, exclusive of those mounted on travelling carriages, and of the works on Staten Island, erected by the State of New York, calculated for 80 guns."

Greater interest was taken in military matters during the first session of the Twelfth Congress, with the prospect of war imminent. The defences of New York were then reported to be: Fort Columbus, mounting 60 heavy guns, brick barracks for two companies of men and officers, and a furnace for heating shot, capable of carrying a garrison of 780 men;

Castle William, with 52, 42 and 32-pounders, mounted on two tiers under a bomb roof, with a terrace, capable of mounting 26 50-pound Columbiads; troops necessary, 1,014;

Bedloe's Island, mounting 24 guns, garrison, 312;

Ellis's Island, an enclosed circular battery of masonry, mounting 14 heavy guns, with barracks of stone and wood for one company of men and officers, 182 men.

On the Long Island shore of the Narrows a blockhouse was erected on the site of the present Fort Hamilton, by the first inhabitants who settled, in 1654. The work was as much of a protection against pirates and buccaneers as invaders. The English authorities for years discussed the feasibility of building a strong and permanent work at this point, but nothing ever came of it.

During the War of 1812, the Americans constructed a small earth-work which they called Fort Lewis. A large fort that was to be built of granite blocks, was started at Sandy Hook, but never was finished. Work on the present Fort Hamilton on the Long Island side of the Narrows, was not begun in earnest until after the close of the second war with Great Britain.

Two interesting historical incidents are connected with this spot. The ship that brought over Colonel Richard Nicolls in 1664, dropped anchor a few yards distant from where Fort Hamilton now stands; whence the first communication to Pieter Stuyvesant was dispatched, demanding the surrender of New Netherland. One hundred and twelve years later the British Army of Invasion, under Lord Howe, landed on the site of the present Fort Hamilton.

While the General Government was consuming time in desultory discussion on the subject of fortifications, it was left to the State* as a matter of self preservation, to erect works of defence. New York city in 1806, bought 400 feet of ground under water off the battery on which Castle Clinton was erected; (its name was changed in 1825 to Castle Garden). Provision was also made for the battery off Hubert street, and for the construction of Fort Gansevoort near the foot of the present West Thirteenth street.

*From the "Return of all and singular the warlike stores and property belonging to the State of New York in the Commissary of Military Stores Department," January 20, 1812, the following facts are obtained:

The State had Arsenals at the following places: New York, Albany, Plattsburg and Elizabethtown, Russell, Watertown, Rome, Onondaga, Canandaigua and Batavia. It had deposited at Fort Richmond at the Narrows, 24 32-pounders and 33 24-pounders mounted; 2 12-pound brass guns.

The State possessed 10,823 stands of arms, 8,000 flints; had deposited 48 light brass 6-pounders among the thirty-two artillery organizations, and 42 light artillery brass 3-pounders.

The militia of the State, according to the "Annual inspection return for the year one thousand eight hundred and eleven," submitted on January 25, 1812, was divided into eight divisions, and aggregated 95,326 of all arms; of whom 3,385 were cavalry, 2,619 artillery, 89,322 infantry. The general return is the same as those submitted to the Legislature in 1809 and 1810.

During the winter of 1808 and 1809, 250 persons were given steady employment on the fortifications on the Staten Island side of the Narrows, the Legislature of New York having appropriated \$100,000 for the purpose. Three works were under construction, the principal of which was Fort Tompkins. A year later report was made to the Governor that the effective water battery called Fort Richmond, at the Narrows,* was completed and ready for twenty-seven cannon. Two other batteries were then in process of construction, one to the east and the other to the south of this work. By the end of the year 1809, the smaller batteries were ready for platforms and guns.

As soon as war was declared, the general government made a requisition on the States of New York and New Jersey for 20,000 militia, to be concentrated in and around the city. The funds for the maintenance of these troops, however, were raised by the city of New York under promise of reimbursement on the part of the National Government. A committee of defence was promptly appointed, and citizens were called upon to volunteer their services to work in the fortifications, with the result that from five hundred to a thousand men, without distinction of class, were thus occupied daily.

Unprepared as the country itself was for war, the defencelessness of New York at the time was a matter of notoriety, not only

*The following Words are as applicable to-day as when written in 1859, by that superb engineer officer, then Major John G. Barnard, subsequently general and chief of engineers of the United States Army, in a report which he made on "Fortifications." In view of the tremendous strides in inventing and manufacturing modern ordnance the sagacity of Gen. Barnard's utterances will strike the most indifferent laymen:

"The mere defence of the city against ordinary fleets," he wrote, "is no longer the question; but *through the defensive works to be here erected (at the Narrows), the nation is to measure its strength against the most lavish use of the resources of a great maritime power, aided by all that modern science and mechanical ingenuity in creating or inventing means of attack can bring against them;* in short, in fortifying New York, *we are really preparing the battlefield on which the issue of future momentous contests is to be decided.*"

to the inhabitants themselves, but to the enemy. It was in vain that the common council asked the Legislature to appropriate \$250,000 for defensive purposes. An appeal to Congress met with a similar fate. It seems ridiculous at this day to learn that the amount actually expended during the year 1812 for the defence of the metropolis, was only \$11,500, and for the northern and western frontiers, \$29,050. In 1813, the Comptroller's report shows that the following items had been expended: For the defence of the frontier, \$15,000; purchase of arms, \$37,500; expense attendant upon calling out of the militia, \$12,500; and for transporting arms, \$2,702.

At the same time an appropriation of \$22,000 was made for a redoubt or protecting work on Signal Hill near the Narrows, Staten Island. In 1814, when the Republican party returned to power, the generosity of the State was more conspicuous; \$98,500 were voted for defence and \$50,000 for the sufferers on the Niagara frontier. January, 1815, it was shown that \$25,500 had been contributed for defence, \$205,000 for the support of families of persons who were called into the service, \$50,000 for the pay of the militia and \$15,000 for the sea fencibles and armorers.

In March, 1814, the city of New York was compelled to borrow \$100,000 to be used in defence of the city, which equipped, manned and maintained at its own expense, a large body of troops who were placed in the works. September 23, 1814, the defences around New York were described as follows: "A strong blockhouse mounting a 24-pounder, stood at the west end of Rockaway Beach for the purpose of repelling boarding parties in small boats. A tower of solid masonry had been designed by General Joseph Swift at Hell Gate on Hallet's Point. It was called Fort Stevens. For

this the government had made a partial appropriation. A small battery stood at Mill Rock at Hell Gate." The works at the Narrows were far from complete. Colonel Jonathan Williams, engineer in charge had changed the original plans. He estimated that 500 men could stand out against 5,000 and that the works were capable of giving shelter and accommodation to 1,500 troops. Fort Hudson was then completed, Fort Richmond nearly so, and another battery was contemplated in the rear of both.

A line of military defences was stretched across the island from the barrier gate at McGowan's Pass which commanded the Harlem river to the barrier gate at Manhattanville Pass which commanded the Hudson river:

"Fortifications on Benson's Point near Third avenue and One Hundred and Sixth street.

"Fort Clinton, between One Hundred and Sixth and One Hundred and Seventh streets and about one hundred and seventy yards east of Sixth avenue.

"Fort Fish, between One Hundred and Fifth and One Hundred and Sixth streets and about ten yards east of Sixth avenue.

"A stone tower about fourteen yards south of One Hundred and Ninth street and seven yards west of Seventh avenue.

"A stone tower between One Hundred and Thirteenth and One Hundred and Fourteenth streets, and between Ninth and Tenth avenues.

"A stone tower on the south side of One Hundred and Twenty-first street and about one hundred and ten yards east of Tenth avenue.

"A stone tower on the south side of One Hundred and Twenty-third street and about fifty-four yards east of Tenth avenue.

"Fort Haight, at Manhattanville Pass, about twenty yards

north of One Hundred and Twenty-fourth street and one hundred and twenty yards east of Eleventh avenue.

“Along, and in the neighborhood of King’s Bridge road, a number of redoubts and forts built during the Revolutionary war were still standing in 1814, between Bussing Point road—One Hundred and Forty-third and One Hundred and Forty-fourth streets; Seventh and Eighth avenues—and King’s Bridge. These fortifications consisted of solid earth embankments from six to eight feet in height and were in the majority of instances exceedingly well preserved. The most conspicuous were situated as follows:

“ One Hundred and Forty-fifth street, One Hundred and Sixty-first street; at One Hundred and Seventy-fifth to One Hundred and Seventy-sixth the road passed sixty-seven yards east of Twelfth avenue and 900 yards east of a fort and redoubts on a point of rocks on Hudson river, thirty yards south of One Hundred and Seventy-sixth street and 200 yards west of Fourteenth avenue. At One Hundred and Eighty-third street the road ran 343 yards east of Fort Washington on Thirteenth avenue; at One Hundred and Ninety-second street 533 yards west of Fort George; at One Hundred and Ninety-sixth street 233 yards east of Fort Tryon; at Two Hundred and Twenty-sixth street 150 yards east of Fort Prince Charles, on Tenth avenue, on the southerly side of that street.”

From 1808 to 1816 the State of New York appropriated \$272,000 for the fortifications on Staten Island and the defence of the port of New York.

The report of the Secretary of War, in 1818, shows that “ the only work now progressing in New York is Fort Lafayette, at the Narrows upon Hendricks Reef; will mount 96 cannon, and cost

\$275,000; is more than half finished and can be completed in the year 1819, and will require \$110,000 to be appropriated. The other positions which must by necessity be occupied to complete the defences of New York, are; First, Sandy Hook; Second, Staten Island; Third, west end of Long Island; Fourth, Brooklyn Heights; Fifth, Frog Pond near the Sound."

VI

MILITARY OPERATIONS.

THE CONSPICUOUS PART TAKEN BY NEW YORK FROM BEGINNING TO
END — UNSTEADINESS OF THE MILITIA.

In the early part of October, 1812, 1,500 regular troops were stationed at Buffalo and Fort Niagara, under the command of General Alexander Smyth.

At Lewiston, 2,500 troops had been mobilized. The whole force was under the command of General Stephen Van Rensselaer, of the New York State Militia. The invasion and conquest of Canada was the daily topic of conversation, not only in New York but in every other State in the Union. The militia was enthusiastic, but undisciplined, willing but untrained. A bold and vigorous stroke in the upper province of Canada was looked upon as offering not only every feature of success, but as a positive means of terminating the campaign. But, unfortunately, the absurd friction which then existed between the militia and regular army officers, destroyed the hopes of all who had inspired this campaign, and nearly demoralized the troops themselves.

General Smyth was jealous of General Van Rensselaer, and General Van Rensselaer looked with contempt upon General Smyth's qualifications as a commander. General Van Rensselaer permitted his personal prejudices against regular officers to interfere seriously not only with his own judgment but with the management of his troops. Instead of starting on a vigorous campaign, he allowed his command to remain in a state of de-

moralizing inactivity, until the men themselves threatened to return home. Finally, an attack was planned on the British force at Queenston, for October 11th, but owing to the inclement weather and the want of a sufficient number of boats to carry the troops across the Niagara river, operations were held in abeyance until the 13th. Two columns of attack were planned, one of the militia under command of Colonel Solomon Van Rensselaer, of the New York Militia, and the other a column of regulars under Lieutenant-Colonel Chrystie, of the Thirteenth Infantry. (Colonel Van Rensselaer had been a regular army officer of distinction and had been desperately wounded at the Battle of the Miami or Maumee, by the Indians, August 20, 1794.) A supporting force of 200 regulars, under Lieutenant-Colonel Fenwick and Major Mullany, followed.

October 12th, the preparations for assaulting the heights of Queenston were completed, and late that evening Lieutenant-Colonel Winfield Scott hastened to headquarters and entreated General Van Rensselaer to permit him to serve as a volunteer with the attacking column. General Van Rensselaer refused the request, but directed Colonel Scott to bring his command to Lewiston. The result of the attack could easily have been seen, through the jealousy that existed between the regulars and the militia. The enemy's batteries met the American troops with a galling fire. Colonel Van Rensselaer and Lieutenant-Colonel Chrystie were wounded early in the contest. General Van Rensselaer ordered Colonel Scott to cross over and take the command of the forces engaged. Colonel Fenwick's supporting column had already met with disaster. The boats which transferred them were caught by the eddies and swept directly under the British batteries. The detachment, with the exception of a



GENERAL JACOB BROWN.

very few men, was obliged to surrender as prisoners of war. About the middle of the day, General Van Rensselaer crossed over to the Canadian side, examined the dispositions which Scott had made, approved them, then returned to the American shore.

This engagement cast anything but credit upon the militia. After the first onslaught they were seized with a timidity that coaxing and threats alternately could not overcome, and they positively refused to obey any order that would expose them to the enemy's fire. The American troops, those that were left, fought with desperate courage under the conduct of General Wadsworth — who had generously waived command in honor of Colonel Scott — and Lieutenant-Colonel Chrystie, but their efforts were unavailing, for the arrival of General Sheaffe with 800 re-enforcements of Canadian provincial militia soon put an end to the conflict. After consultation, General Wadsworth, Colonel Scott and other principal officers decided to surrender their forces, which consisted of 139 regulars and 154 militia. Over 400 militia who had taken no part in the engagement were afterward included in the surrender. The casualties of the day, including the 100 killed and the 200 regulars who had surrendered under Major Mullany, of Colonel Fenwick's command, aggregated 1,000.

Far different had been the result of the operations conducted by General Jacob Brown, along the northern frontier of New York. In 1810 General Brown had been made a brigadier-general of militia from the rank of colonel. When hostilities were declared he commanded a brigade in the first detachment of New York Militia, mustered into the service of the United States and the defence of the eastern frontier of Lake Ontario

and the southern shore of the St. Lawrence. His front covered a distance of 200 miles; the greater part of it was but thinly inhabited. Its close proximity to the Canadian border, the inadequate supplies of equipment, ordnance and of troops at his disposal, rendered his position one of great danger on one side and of vexation and embarrassment on the other. Hostilities were first opened on the New York frontier by Captain Forsyth, the commander of the regular troops at Ogdensburg, who crossed the river St. Lawrence, met a force of the British on the road to Gananoque, whom he defeated. He pushed his way on to the village, entered it, destroyed what military stores he could not carry off, and returned to the American shore with several prisoners.

The British retaliated by opening fire on the city of Ogdensburg October 23d from their batteries at Prescott. For two days they maintained an irregular cannonading. Sunday, October 4th, 600 British troops crossed the St. Lawrence in forty boats for the purpose of storming the town and capturing it by assault. General Brown, however, anticipating the move, had disposed his force, which aggregated about 400 men, along the banks of the river, with orders not to fire until the British were within close pistol shot. The British never landed. The several efforts that were made were met with such accurate fire from the American rifles that the British commander, utterly baffled, was forced to return to Prescott without accomplishing the purpose for which he had embarked.

Again, in February, 1813, a small detachment of the British crossed over to the American side and committed a number of brutal and unprovoked outrages. The dashing Forsyth, who was then in command at Ogdensburg, promptly determined to

cross the river and invade the enemy's country. His force consisted of 200 men, mostly volunteers from the surrounding country. He surprised the British guard at Brockville, gathered in an abundance of military stores and returned to his post without the loss of a man and with fifty-two prisoners, among them eight officers. The British again retaliated. This time they brought over a force of 1,200 men on February 22d. Although Major Forsyth and Colonel Benedict, of the New York Militia, put up a most heroic defence, they were finally driven back into the interior.

Governor Tompkins was now exceedingly solicitous for the safety of Sackett's Harbor, which was the main naval and military depot along the lake frontier, but fortunately for the American cause the British made no further attempts at invasion during the remainder of the winter.

In the meantime, General Brown had been offered and had declined a colonelcy in the regular army. May 27th, a British fleet from Kingston was discovered on its way to Sackett's Harbor. Colonel Backus, the commander of the post, at once communicated with General Brown, who was living in temporary retirement within eight miles of the Harbor, and requested him to come to the front. The general promptly gave orders to have the militia assembled. He proceeded at once to the scene of danger. Colonel Backus relinquished the command. The following day the British fleet appeared. It consisted of four ships, one brig, two schooners, two gun-boats, and thirty-three flat-bottom boats, carrying 1,000 troops, under the command of Sir George Prevost and Commodore Sir James Yeo. A breastwork was hastily constructed at the only point where the troops could land. Behind them were placed the militia and the Albany Volunteers under Colonel

Mills. The regulars under Colonel Backus formed the second line in the rear. The artillery under Lieutenant Fanning occupied Fort Tompkins at the barracks. The following morning the enemy approached in their boats. As at Ogdensburg, General Brown had given orders that no shot should be fired from the American forces until the enemy were within pistol-shot distance. Consequently the very first volley was well-directed and destructive. A number of officers were killed, boats were perforated, oars were splintered, and the attacking force was thrown into confusion.

With the contest well within his hand and every assurance of success, General Brown now had the mortification of seeing the militia stricken with panic. In spite of the efforts of their officers, coaxing, cajoling and threats were as usual unavailing; they fled in the wildest disorder. Colonel Mills was shot down while heroically attempting to stem the retreat. The British troops had landed and begun their march toward the village. Colonel Backus had fallen, mortally wounded, Lieutenant Fanning was severely wounded, but General Brown gathered a nucleus of his command about him and for a time managed to check the triumphant march of the invader. What he could not accomplish by direct attack, he succeeded in gaining by clever strategy. Taking a small party with him and gathering up on the way scattered remnants of dismayed militia, he worked around the flank of Sir George Prevost's command, in which manoeuvre the dense forest offered him protection. He marched toward the spot where the English had disembarked. His enemy was now seized with a panic; fearing that General Brown would turn his flank, Prevost gave orders to retire, an order that was promptly and precipitately obeyed. The British left behind them all their killed, a number

of their wounded, and thirty-five prisoners. General Brown permitted them to re-embark without further inconvenience than that which accompanied a dropping fire of musketry. With his feet once upon his flag-ship, the British General calmly demanded the surrender of the town, a request which was as calmly rejected.

This action at Sackett's Harbor opened the way to greatness for General Brown. He was commissioned by the President a Brigadier in the regular army.

In the fall of 1813, the Niagara frontier was criminally exposed to the enemy by the withdrawal of the greater part of the troops for the expedition down the St. Lawrence. General McClure evacuated Fort George in Canada west. Before retiring, however, he directed that the village of Newark be burned. Although this wanton act was promptly disavowed by our government, and McClure censured, the British in retaliation surprised Fort Niagara on the night of the 18th of December, 1813. The garrison consisted of 300 men, principally invalids. A few managed to make their escape, but all the rest were put to the sword. The whole frontier was now laid waste. Manchester, Lewiston, Youngstown, Buffalo and the village of the Tuscaroras, many of whose people had enlisted in the service of the United States, were burned.

General Brown was now ordered to Buffalo, which he reached in March, 1814. But it was not until the 1st of July that he was able to take the field. His force consisted of two regular brigades under General Scott and General Ripley, and the volunteers under Generals Porter and Swift. Fort Erie was his objective point. With that in his possession the abandonment of Fort Niagara by the British was inevitable. On the morning of the third, the fort was invested, and the garrison of 170 men surrendered.

The Battle of Chippawa* which followed, July 5th, and of Lundy's Lane, July 25th, greatly encouraged the hopes of Ameri-

GENERAL PETER B. PORTER'S DESCRIPTION OF THE BATTLE OF
CHIPPAWA,

Written in 1840 to the late William L. Stone, then Editor of the New York Commercial Advertiser.

It is to be regretted that we have no fair, intelligent and connected history of the interesting campaign of 1814 on the Niagara prepared by some one whose knowledge of the views of those who conducted it, as well as of its incidents, give him a right to speak, and whose character entitle him to credit, and that aside from the scanty information to be gleaned from the official reports of the day, and some personal altercations which have been thrown on the public with any other view than a faithful record of historical events, we have nothing to which we can resort but a few catch-penny compilations as much entitled, so far as facts are concerned, to the name of romance as history; and I regret to find that you, for want doubtless of other authorities, have been obliged to have recourse to these books for some of your statements, and have, of course, fallen into errors. The only apology for the loss of style and spirit in the narration would be that the facts narrated were within the personal knowledge and observation of the writer, who vouches for their general accuracy. Although the story of the battle of Chippawa is a long one, I cannot but hope that most of the facts introduced, especially in everything that relates to the Indians, will be interesting to the readers of the present day, who, I think, will consider the number and minuteness of its details as necessary to a full understanding and appreciation of the merits of the several parties engaged, rather than of the effusion of the proverbial garrulity of an old soldier.

On the 1st of July, 1814, General Brown found himself in Buffalo at the head of a force which, in his judgment, would authorize the invasion of Canada, for which the public sentiment appeared to be impatient. The army consisted of two brigades of infantry, under Generals Scott and Ripley, to each of which was attached a most respectable and efficient train of field artillery, the whole in the highest state of discipline and equipment. To these were added, under my immediate command, a regiment of Pennsylvania volunteers, between 400 and 500 strong, a corps of 600 New York Volunteers (100 of them mounted), then at Batavia, but who joined in Canada immediately after the battle of Chippawa, and between 550 and 600 Indian warriors, including nearly the whole military force of the Six Nations.

General Brown proposed to open the campaign by the capture of Fort Erie, and thence proceeding rapidly down the west side of the Niagara River, reduce in succession the British posts of Chippawa, Queenston Heights, and Forts Missassauga and Niagara, having made arrangements with Commodore Chauncey for the co-operation of his squadron on Lake Ontario in the achievement of the two last objects.

Fort Erie, situated at the foot of Lake Erie, was garrisoned by 170 men and commanded by Major Burke of the British army. Chippawa, 18 miles below, and then the headquarters of the British forces, was commanded by General Riall, who had there and at available distances in his rear an army of about the same numerical forces as that of General Brown and of nearly the same composition, save that his Indian allies numbered about two hundred less.

In order to form any correct judgment of the battle of Chippawa (of which it is my principal object to speak), and of the merits and character of its various incidents, a correct knowledge of the localities and position is indispensably necessary. The Chip-

cans, who had been thrown into repeated fits of despondency by the failure of the military operations of the preceding year. In

pawa or Welland, the north or left bank of which near its mouth was occupied by the British troops and their defences, is a respectable stream some 150 yards wide and 12 to 20 feet deep, coming from the west and entering the Niagara on a right angle with its course. Street's Creek, where the American army took its position, is a small stream running parallel with the Chippawa and discharging into the Niagara two miles away or south of it. The Chippawa is bordered on the south by a flat, open plain about three-fourths of a mile in breadth and extending for an indefinite distance up stream. In the rear of this plain is, or there was, a dense forest of heavy timber of primitive growth, and the ground so wet and so much obstructed by fallen timber as to render the passage of it by carriages or horses impracticable. The west bank of the Niagara for several miles above is nearly the same with the south bank of the Chippawa just described, with this single difference, that about midway between the Chippawa and Street's Creek, there is, or there was, a strip of woodland which had never been cleared, some quarter of a mile in breadth, extending from the forest to within some 10 or 15 rods of the Niagara, and leaving between it and the bank of the river an open avenue, through which passed the great public highway, thus forming a masque between Chippawa and Street's Creek, by which the occupants of one plain were excluded from all knowledge or observation of what was passing on the other.

On the 2d July, General Brown, General Scott and myself, who was doubtless invited in preference to General Ripley on account of my intimate knowledge of the country, made a reconnaissance of Fort Erie and the upper parts of the Niagara and concerted a plan for the attack of Fort Erie on the same night, or rather the next morning. By this plan General Ripley, with most of his brigade, were to embark in boats in the course of the night and proceed up the lake, so as to make a landing on the British shore some mile and a half above Fort Erie at daylight on the third. General Scott with his brigade was to cross the Niagara through a difficult pass in the Black Rock rapids and make a simultaneous landing at the same distance below the fort, when the two brigades would advance on the fort in such a manner as to prevent the escape of the garrison until the artillery, if it should be necessary, could be brought over from Buffalo to reduce it.

General Ripley departed according to order, but in consequence of a dense fog the pilots lost their course and delayed his landing for some hours after the appointed time. General Scott, however, with his accustomed energy and promptitude, and aided rather than impeded by the fog, made good his landing at the hour and place indicated, and was enabled, by the assistance of Indians and other volunteers who immediately followed him, so to arrange his force as to prevent the escape of the garrison.

The rising sun discovered the British commandant with his officers viewing with their glasses the surrounding scene, a part of which was the continued and rapid transit of boats across the Black Rock ferry, freighted with artillery, horses, and Indian warriors, destined for their destruction. Whether influenced by the appearance of the artillery or of the Indians, who are held in greater terror by European than American soldiers, the commanding officer soon after midday, and rather too soon perhaps to satisfy the claims of military etiquette, surrendered the post and garrison to the demand of General Scott at the end of a short parley.

On the same evening General Scott with his brigade and Towson's artillery proceeded down the Niagara, and on the morning of the 4th, having on his march driven in some advanced pickets of the enemy, established his camp in the open field on the south side of Street's Creek, two miles above Chippawa. On the evening of the same day (the 4th) he was joined by General Brown and Ripley's brigade, who encamped a short distance to the south of him. In the course of the night of the 4th, I crossed the ferry at Black Rock with the Pennsylvania Volunteers and Indians, and at sunrise marched for the

the Battle of Lundy's Lane, or Bridgewater, as it is sometimes called, the Americans lost 858 men killed and wounded, out of

camp, where I arrived at 12 o'clock. On our way down we were met by General Brown about three miles above the camp, who, on his return with us, gave me to understand that the position of the army (although doubtless the best that could have been selected in that neighborhood), proved to be a very troublesome and inconvenient one from its restricted limits, there being but about three-fourths of a mile between the river and an almost impenetrable forest, which was swarming with Indians and militia, accustomed to its haunts, from the British camp, and who were constantly firing upon and driving in his pickets; that he had that morning been under the necessity of making an example of one of his officers for suffering his guard to be driven in, and thereby exposing the whole camp to the direct fire of these troublesome visitants; that it was absolutely necessary for the quiet and safety of his camp that these intruders should be dispossessed, and as his troops of the line were ill qualified for this kind of service, he proposed that I should scour the woods with my Indian force, sustained by the volunteers, and drive the enemy across the Chippawa, handling them in such a way as to prevent their reappearance. He assured me, too, most emphatically, that there was not then and had not been since their arrival a single regular British soldier on the south side of the Chippawa (an account which was probably at that moment substantially true), but that, to guard against contingencies, he would direct General Scott to cross Street's Creek with his brigade and be ready in the large plain (which soon after became the battlefield), to sustain me.

The proposition was of course acceded to by me, and when afterwards communicated to the Indians and volunteers received by them with enthusiasm.

By 3 o'clock in the afternoon, the troops having been refreshed from the fatigues of the preceding night and morning, the warriors, many for the first time arrayed in the habiliments of battle costume, and the plan of march and attack settled, I formed the whole corps (with the exception of 200, or one-half of the volunteers, who were left in the camp to be employed as occasion might require), into single line or Indian file half a mile in the rear of our camp, with the Indians towards the woods, and then marching into the woods in a line at right angles with the river, until the whole Indian force was immersed in the forest and leaving the volunteers in the field, I had only to halt by simply facing to the right, form my line of battle looking towards Chippawa, and presenting a front of three-fourths of a mile in length and one man deep. Having placed Red Jacket, in whose intelligence I had great confidence, on the extreme left, I took my station on the margin of the wood, accompanied by Captain Pollard, a Seneca chief, whom I considered as probably better entitled than any other to the command, Colonel Fleming, the Quartermaster of the Indian troops, Lieutenant (now Major) Donald Fraser, my aide, and Henry Johnson, my interpreter. I was also accompanied by Major (now Adjutant-General) Roger Jones and Major Wood of the Engineers, afterwards killed at the sortie from Fort Erie, as volunteers, and supported by a company of regular infantry marching in column in our rear as a reserve. The Indians were commanded by their war chiefs, to whom I had in a great measure committed the conduct of the battle and the march, and were placed in front of their respective nations or tribes and some 20 yards in advance of the line of warriors. Having previously sent out several scouts, we commenced our march by signal, and at first proceeded with extreme stillness and caution. The tribes have signals by which, on the discovery of any circumstance requiring consultation or change of route or action, they convey notice through the whole line with incredible rapidity, and the warriors instantly drop on their faces and remain quiet until new orders are given. Two instances of this manoeuvre occurred on our march, the first unimportant, but the last disclosing to us through the scouts the exact position of the enemy, which was found to be in a range of thick bushes along the margin of Street's Creek. After new orders—changing a little the

2,600; and the British 880 men out of 4,600. The siege of Fort Erie, the repulse of Colonel Drummond, who attempted to carry

direction of our route so as to meet the enemy at better advantage—to increase our speed as much as was consistent with the preservation of order in the line, to receive the fire of the enemy, but not return it until it could be done with certain effect, regardless of the fire of others; then to rush upon them with war whoop and to pursue, capture, and slaughter as many of them as practicable until our arrival in the open field in front of Chippawa, when we should retire to camp.

We accordingly resumed our march, received the fire of the enemy, and then rushed forward with savage yells, pursued them for more than a mile through scenes of indescribable horror, few only of the fugitives surrendering themselves as prisoners, while others, believing that no quarter was to be given, suffered themselves to be overtaken and cut down with the tomahawk, or turned upon their pursuers and fought to the last. On the arrival of our advance in the field before Chippawa we were surprised by a tremendous discharge of musketry, and the Indian portion of our line, which was most in advance, was thrown back upon the volunteers and reserve, who for want of equal speed were some distance in the rear. Thinking that this fire might have come from the enemy we had been pursuing, who on reaching the plain had rallied and turned back, I made an effort, and not without success, to re-form my line with the volunteers, reserve, and a portion of the Indians, and, again advancing with caution to the margin of the wood, we found ourselves within a few yards of the British army formed in line of battle and presenting within the same space at least three men fresh from their barracks to one in our attenuated and exhausted line. After receiving and returning two or three fires, the enemy advanced impetuously upon us, when, hearing nothing from General Scott, I have the order to retreat, “*Sauve qui peut*,” and to rally in rear and to the left of General Scott’s brigade wherever it could be found.

It seems that General Riall had resolved to make on that day a general attack upon the Americans, and in execution of his purpose had marched his whole force across the Chippawa shortly before I entered the woods, and having sent forward his Indians, militia, and other light troops (which was the force first met by my corps), to commence the attack from the woods on our left flank, he formed his battalions on the south side of the Chippawa under cover of the strip of woods which separated the armies, with his artillery on the left near the gorge or public road on the bank of the Niagara ready to act the moment the effect of the flank attack should be developed.

The repulse from my command was thus from the main body of the British army while General Scott was yet on the south side of Street’s Creek, with an interval of nearly a mile between us. My error (if it should not be rather called a misfortune), was remaining too long under an unequal fire, or possibly in attempting to rally at all, for I lost by it besides other valuable men the three principal officers of the Pennsylvania Volunteers. If the Indians are more obnoxious to the charge of cowardice than the volunteers, by reason of leading them in the flight, they owed it only to their greater speed and bottom in the race, for the volunteers retreated with all the speed they could muster unrestrained by any other consideration than a passing regard to the safety of his immediate companions in the flight. As to myself, I found I could not gain but little on the British battalions, who were in pursuit, and arrived at Street’s Creek the moment that Major (now Colonel) Jesup, whose battalion constituted the left and last formed portion of General Scott’s line, had reached his position, having thrown down the fence to enable his troops to pass from the road on the creek into the field, and he had scarcely assumed his post, which he did with great activity and address, before the general conflict between the two parties commenced.

General Scott’s brigade received the enemy with the most perfect coolness, and with a simultaneous discharge of musketry, which threw them into confusion and soon caused a retreat towards the rear of the field, where they rallied and again advanced,

the works by assault, and the dashing sortie which the Americans made September 17th, under Generals Porter and Miller, brought

but were again met by General Scott in the same bold and decisive manner, whereupon they retreated with as much expedition as had characterized their pursuit of the volunteers, until they had crossed the Chippawa and destroyed the bridge.

General Scott followed them around the point of woods, beyond which a further pursuit would have been in the face of their batteries on the north side of the creek, without the possibility of reaching them, by reason of the intervention of the river, where he deployed to the left on the ground first occupied by the British, and placed his men on the ground with their heads to the batteries to escape the effects of their shot.

After the first fire of General Scott's brigade, I discovered a splendid horse, handsomely caparisoned but without a rider, snorting and prancing between the lines, and endeavoring to escape to the rear of the Americans. He was immediately secured by my servant, and in a few moments I found myself for the first time in the day most comfortably mounted, when, riding to General Brown, I received an order to proceed immediately with the 200 volunteers I had left in camp to the support of General Scott, which I promptly obeyed, and, passing in column round the point of woods soon after him and receiving the fire of the British batteries, took post on his left in the same recumbent position. There we remained half-an-hour waiting the arrival of General Ripley, whose brigade had taken a circuitous route to meet the enemy's right and who enjoyed the luxury of a march through the swamp, when we all retired to camp, and thus ended the battle of Chippawa.

This battle, had General Scott been at hand to support the volunteers when they first met the British line, would doubtless have presented quite a different aspect, although I am inclined to believe the result would have been equally auspicious to the American arms. Why he was not there has never been satisfactorily explained to me, although I have never doubted that the omission proceeded from the same conviction in his mind which General Brown had before expressed, "That there was not a regular soldier on the south side of the Chippawa," and that my force was amply sufficient to dispose of the British Indians and militia. The mutual ignorance of the two armies of each other's plans and movements led to mistakes as disadvantageous probably to the enemy as to ourselves. The rapid and fatiguing pursuit by the enemy of our volunteers and Indians with frequent firings, and elated with the idea that victory was already achieved, necessarily created some confusion in their ranks, which was so much increased by the sudden and unexpected reception they met with from General Scott that they could never recover, hastened the termination of the battle, and probably rendered it less sanguinary than if the parties had met more deliberately and with a better understanding of each other's views.

The intimation in a part of your manuscript that most or the whole of the Indians, on their repulse at Chippawa, fled immediately to Buffalo and were never again seen in the American camp, is totally destitute of foundation. That some few of them, from sheer cowardice and fright, fled at the commencement of the battle to Buffalo without stopping, I have no doubt. It is also true that a considerable number more were supposed by our soldiers, for want of knowledge of an important fact, to have retreated in the early part of the action. When the Indians take a prisoner the captors, with incredible dexterity and speed, immediately lash his hands behind him with his own belt, bear him off to the rear, leading him like a horse by the halter and compelling him to move at a trot. The frequent appearance of these parties, with at least one and sometimes two or three guards to each prisoner, passing rapidly through the fields to the rear, led doubtless to a belief with many that they were all fugitives. But that any considerable number fled until they had met a force so much superior as to render it a duty to retreat, I do not believe. It is certain that a large portion of them remained

renewed encouragement to the American troops, and to the American people.†

with the army until the eve of the battle of Lundy's Lane, when most of them withdrew, for reasons which, as will appear in what I have further to say of them, afforded them at least a fair apology. Early in the morning after the battle some 20 chiefs appeared at my tent, each accompanied by a young warrior bearing the scalps, strung on a stick curved in the shape of a hoop, which had been taken on the preceding day, having been informed from some source and believing that a bounty would be paid for every scalp taken from an enemy in battle. I apprised them of the error into which they had fallen, refused to examine or count these unseemly trophies, and ordered them to be buried or thrown into the river, which was immediately done. For the prisoners they brought in, (amounting to some 15 or 18, and among them were two principal chiefs, the sons of Dr. Carr and descendants of Sir Wm. Johnson by his squaw wife), they were allowed a small premium. They then expressed a wish to visit the battle ground to carry off the bodies of their friends who had fallen, which in the hurry of their retreat they had not been able to do the preceding day. This was readily granted, with an understanding that Colonel Fleming should accompany them. In the course of a few hours they returned and reported that they had found and brought in the bodies of, I think, fifteen of their warriors, which they buried in the course of the evening with the honors of war. They reported also that among the numerous bodies of their fallen enemies they had discovered three still living, although mortally wounded, and that they had immediately despatched two of them by cutting their throats, but recognizing in the third, who was burning with fever and suffocating with thirst caused by his wounds, a former resident of one of their own villages, Johnson had gone to a creek, filled his own canteen with water, and after giving it to his countryman left him to die alone. On my reprobating the act of taking the life of an unresisting man as cowardly and unworthy of a warrior, the only reply made by Johnson, and uttered in a manner that denied the consciousness of having done an ignoble act, was: "We know, sir, that it seemed very hard to put these men to death, but we hope that you will consider that these are very bad times."

On the march of the army from Chippawa to Queenston, the Indians, whose roving habits it was impossible to restrain, besides committing some depredations on the neighboring farmers, discovered a depot of some 50 barrels of spirits, brandy, and wine, which belonged to the British army, and was concealed by them in the woods on their rapid retreat. These spoils were all taken from the Indians by the Quartermaster of the army without compensation, and caused some dissatisfaction among them, not perhaps without cause so far as regarded the public stores.

About this time a proposition was made by Red Jacket, and approved by General Brown, to send two young chiefs, who were men of prudence and address, as spies to the British Indians, then near the head of Lake Ontario, where they had retreated after the battle of Chippawa, and endeavor to effect a mutual and total withdrawal of all the Indians from both armies. These chiefs after an absence of three days returned and reported that the proposition was favorably received by the very few of the enemy to whom they dared to make their message or themselves known, and that measures would be taken by the British Indians to effect its object. And this embassy, of which Red Jacket was disposed to make the most, resulted in the retirement a short time before the battle of Bridgewater of nearly the whole of our Indian force, under a promise, however, that in the event of the British Indians appearing again in the field they would immediately return and join the army.

The British Indians did not, however, appear again or give any further annoyance during the campaign, and yet some fifty warriors, among the most distinguished of whom was the brave Johnson, baited by the pleasure of a military life of which they had now tasted, returned soon after to the army and were very useful auxiliaries during

In the meantime, active operations had taken place along the northern and northeastern border of New York. In the summer of 1813, General Wilkinson relieved General Dearborn in command of the northern army. March, 1814, General Wilkinson concentrated his forces at Champlain, on the New York frontier, to threaten the British outposts. After the failure of the assault on La Cole Mill, on the St. John, Wilkinson was recalled, and General Macomb was placed in command of the army. In May the British flotilla was prepared to sail for Plattsburg. General Macomb penetrating the design, ordered Captain Thornton's light battery to man the works on Otter Creek to protect the naval depot, the vessels and stores. The British forces were roughly

the remainder of the campaign, having been confined with the army in Fort Erie during its investment and performed a conspicuous part in the sortie of the 17th September, and were among the first in the enemy's trenches.

(From Mss. of Hon. P. A. Porter. Reproduced from the Documentary History of the Campaign on the Niagara Frontier by the Lundy Lane Historical Society.)

† GEN. BROWN TO GOV. TOMPKINS,

On the conduct of the militia on the sortie of Sept. 17th from Fort Erie.

"Headquarters, Fort Erie, Sept. 20, 1814.

"My dear Sir.—Your Excellency is no doubt aware how much the army under my command has suffered from the fire of the enemy's batteries, of which the first and second were not more than 500 yards distant. Soon after my arrival, I ascertained they were day and night employed in erecting a third, to the right of the others, which would rake obliquely our whole encampment. About the 12th this new work was nearly completed, and in it were mounted some long 24-pounders. Being very impatient under the fire of the old, and knowing that our difficulties would increase from the opening of the new, battery, I determined to hazard a sortie with a view of carrying them and destroying the cannon. On the 17th inst. an order was given to this effect and executed in the most gallant style.

The batteries were carried, the principal work blown up, and the cannon effectually destroyed. It was a desperate conflict. The loss of the enemy cannot be less than 800 men. Our own is severe, in officers particularly. The militia of New York have redeemed their character—they behaved gallantly. Gen. Davis was killed, and General Porter slightly wounded in the hand.

Of the militia that were called out by the last requisition fifteen hundred men have crossed. This reinforcement has been of immense importance to us; it doubled our effective strength, and their good conduct cannot but have the happiest effect upon the nation. The brave men deserve well of their country; and I flatter myself that the legislature about to convene will notice them as becomes the representatives of a generous people."

handled, and were only too willing to return to the Isle Aux Noix. England had despatched to this country from 4,000 to 6,000 troops from Wellington's triumphant army, and the British forces in lower Canada aggregated 12,000 veteran troops. The British had planned a repetition of the invasion of New York, that had been inspired by Sir John Burgoyne, thirty-eight years before. General Macomb's force at Plattsburg amounted to only 2,500 men, many of whom were convalescents and new recruits. In the entire command there was but one organized battalion. The morning returns show only 1,500 men were fit for duty. Calling in General Mooers, division commander of the New York Militia, a plan was devised by which the regulars and the militia were to co-operate to the fullest extent, and both general officers manifested commendable enterprise, activity, and energy in sending dispatches over the surrounding country to summon re-enforcements to their aid. The splendid spirit of co-operation displayed by the officers diffused itself through the rank and file. The command was divided into detachments and ordered to the different forts. In General Orders, General Macomb announced that each party must defend its works to the last extremity. Sir George Prevost had boasted that he expected to penetrate as far as Crown Point and Ticonderoga before winter set in. But he was solicitious about the British flotilla which he expected to protect his left flank. Without the control of Lake Champlain, he realized that his position would be extremely precarious.

September 3d, the British army entered Champlain. The following day the advance upon Plattsburg was made. General Macomb had blocked the road with fallen trees, as General Schuyler had done at Saratoga for Burgoyne. As Prevost advanced

he found the bridges were destroyed and the passes choked by chevaux de frise. September 5th, Prevost halted at Little Chazy. General Macomb was urged to abandon Plattsburg. His force now numbered between 8,000 and 10,000, militia and volunteers, but previous experience had taught him that the militia were not to be altogether relied upon in a tight place or under a heavy fire. September 6th, the head of the British column, under Generals Power and Robinson, encountered a small force of Americans. The militia, mistaking the red coats of the New York Cavalry that were stationed as lookouts on the hills, for British soldiers, were seized with their customary panic, and, in spite of the efforts of the officers, precipitately left the field. The British column continued to advance, and encountering but feeble opposition, entered the village of Plattsburg. The Americans had retired into their breastworks on the southern bank of the Saranac, and opened fire with their heavy artillery upon the English troops. The fire was too hot for human nature to endure; the British army fell back and encamped about two miles from the Americans' forts, leaving in their front a few troops to protect the fords and bridges.

The British general passed several days in erecting batteries and bringing up heavy artillery. Constant skirmishing was going on between the advanced lines of the two armies, punctuated now and then by a heavy and effective cannonading from the American works. Sir George Prevost was playing a waiting game. He was reluctant to begin active operations in the field until his supporting fleet materialized. September 10th, unusual activity in the British camp indicated to the American general that the following day would bring portentous events. He pre-

pared for the attack which he now regarded as inevitable. He divined that the British fleet had arrived, an intuition that soon was to be verified. At daybreak, the British fleet was seen swinging around Cumberland Head. As soon as the British troops had finished their early breakfast, they opened fire on the American works with their heavy guns. Under cover of this cannonade the British troops advanced to force a passage across the stream in three columns to assault the American works. The troops carried scaling ladders. The assault was well met by the Americans. The attacking columns that approached the American works by the bridge in the village and the principal bridge, were hurled back by the regulars in great confusion. The third column, which was to cross at the ford three miles above the fort, was led astray in the woods by a false road which General Macomb's engineering strategy had conceived. The ardor of the British troops was destroyed by the withering fire which came from the American guns. They beat a retreat, their flight accelerated by the discovery that the American Commodore, McDonough, had met and destroyed the British fleet on which so many of Prevost's hopes for success had been stored. Before the dawn of another day Sir George Prevost's army was in full flight for Canada. He left behind his dead, his sick and his wounded, vast quantities of provisions, of ammunition, tents, intrenching tools and ordnance stores. The losses incurred in this contest were by no means commensurate with the results obtained. New York and Vermont, through their Legislatures, presented General Macomb and Commodore McDonough with resolutions of thanks and congratulations. New York presented General Macomb with a sword and the city of New York, the freedom

of the city in a gold box. Congress gave him a vote of thanks, and a gold medal emblematic of the victory. The President conferred the title of Brevet Major-General in the regular army, to date from September 11, 1814.

While these events were happening in the North, the middle-Atlantic States were thrown in a fever of excitement by the arrival of the fleet of Admiral Cockburn, who first appeared at the mouth of the Chesapeake and came to anchor in Hampton Roads. February 4, 1813. His fleet consisted of two ships of the line, three frigates and a couple of small vessels. Thence he made incursions northward and burned Frederick, Georgetown, Havre de Grace, Frenchtown. By these manifold outrages he threw the defenceless inhabitants of the surrounding country into paroxysms of terror. The Washington authorities were fully apprised of his operations but, with a lethargy and indifference that were inexplicable, made no effort whatever for the defence of the Capital and the protection of the valuable archives intrusted to their care.

March 1st, Admiral Cockburn, with one 74-gun ship, two frigates, a brig, and a schooner, came to anchor in Lynnhaven Bay. The authorities at Washington were promptly notified. Additional information arrived about that time, in effect, that 4,000 English veterans had landed at Bermuda. The apathy at Washington continued. No one seemed to realize the peril which menaced the Capital. The District of Columbia was included in the Tenth Military District which was commanded by General W. H. Winder. It was utterly defenceless. General Winder called the attention of the Secretary of War, General John Armstrong, who was himself a military man, to the deplor-

able condition of the Capital, but it was not until July 4th that the War Department opened its eyes and for the first time gave manifestations of life. Formal requisitions were then made upon the several neighboring States for artillery and infantry, but by a remarkable oversight, no mention was made of cavalry, which was decidedly essential in stinging the rear and flanks of an invading army. Orders were issued to hold the militia in readiness for immediate service. The President proposed a plan to establish a camp of 2,000 regular troops between the Patuxent and the Potomac; the troops to be formed into an army of observation and mobilized in order to move in any direction at the first opportunity. The plan was not adopted. On the 24th day of August 5,100 green American troops who had been gathered and thrown together, and at the best were nothing but an organized mob, met the trained British troops under General Ross and were promptly, thoroughly and disastrously defeated. The English proceeded to Washington where, in violation of all military law and military usage, they destroyed the capitol, the White House, and other public buildings; the President himself fleeing from the town with hundreds of other fugitives, to escape capture. The day after the battle of Plattsburg the British Army encountered the American troops at Baltimore and were repulsed, their general, Ross, who had assisted in the pillage and destruction of the capitol, being killed.

Three weeks before General Jackson's signal defeat of the British troops at New Orleans, was held the Hartford Convention, which consisted of delegates from New England States, who were known to be opposed to the Federal Administration and to the prosecution of the war. Inasmuch as England had

directed her colonies to continue commercial transactions with and to bestow special privileges upon the New England States several months before, the friends of President Madison declared that the ulterior purpose of the Hartford Convention was the secession of those States which were known to be friendly to England, a charge which was vehemently denied by the delegates and their adherents. The final defeat of the English by Jackson culminated the war, however, and the treaty of peace put an end to the influences that inspired the Hartford Convention.

VII

TOMPKINS AS A STRONG WAR FIGURE.

DEFEAT FOR THE PRESIDENTIAL NOMINATION — NOMINATED AND
ELECTED AS VICE-PRESIDENT — CONTROVERSY WITH STATE
COMPTROLLER M'INTYRE — HIS LAST DAYS AND HIS DEATH.

Before the war had continued a year the fact was demonstrated that Governor Tompkins was the most conspicuous, as he certainly was the strongest character which the crisis had brought forth. In his annual speech to the extra session of the Legislature, in November, 1812, he suggested that a loan should be made by the State of New York to the National Government, in order to inaugurate a vigorous prosecution of the war. Accordingly, a resolution carrying a loan of \$500,000 to the National Government was introduced in the Senate, where the Republicans dominated, and its passage was secured through the efforts of Governor Lewis, Martin Van Buren, and General Erastus Root. The Federalists in the House, however, killed it. February 4, 1813, Governor Tompkins was again re-nominated, and in the ensuing election, defeated General Stephen Van Rensselaer, in spite of the opposition of De Witt Clinton and his friends, who openly repudiated the candidates of their party, and who were controlled by resentment, because of the suspicion that the Governor had prevented Clinton's nomination to the Presidency. The Federalists, however, continued to control the lower House of the Legislature and effectually checked every recommendation and project which

the Governor and his party proposed for the defence of the State, and the support of the National Administration. This partisan interference, while it doubled the Governor's responsibilities, developed the strongest traits in his character, particularly when it became apparent that the British proposed an invasion of the State. After the destruction of Washington, all military men foresaw that the triumphant British troops would march to Baltimore, thence to Philadelphia, and to New York. New York was pitifully defenceless, and when an appeal was made to the National authorities, the same reply came back that was returned in 1862, when the Merrimac was expected to sail from Hampton Roads and bombard New York: "You must take care of yourself. The government can do nothing for you."

In fact, the policy of the National Government in those days was to drop all responsibility upon the States themselves, a responsibility which many of the States accepted with but very little complaint. At this time, however, the National Government was practically bankrupt. It was impossible to raise a National loan. Representative citizens of New York, irrespective of party, called upon the Governor and besought him to exercise his authority to its fullest limit, and, if need be, transgress it for the public safety. Mr. Rufus King said to him that; "the time had arrived when every good citizen was bound to put his all at the requisition of the government—that he was ready to do this; that the people of the State of New York would and must hold him (Tompkins) responsible for its safety." In narrating the events of this interview the Governor said: "I acquainted him with the difficulties under which I had struggled for the two preceding years the various instances in which I had been compelled to act without law or legislative indemnity, and urged that if I should once more exert

myself to meet all the emergencies and pecuniary difficulties with which we were pressed, I must inevitably ruin myself."

"Well, sir," added he, with that enthusiasm which genius lends to patriotism, "What is the ruin of an individual compared with the safety of the Republic? If you are ruined, you will have the consolation of enjoying the gratitude of your fellow citizens; but you must trust to the magnanimity and justice of your country, you must transcend the law, you must save this city and State from the danger with which they are menaced, you must ruin yourself if it becomes necessary, and I pledge you my honor that I will support you in whatever you do."

A special session of the Legislature was convened September 26th that year. On his own responsibility, Governor Tompkins raised a large sum of money, which he used in purchasing arms and equipments for the troops, and protecting the defences of the State. Within a brief time, 12,000 troops had been mobilized in the State and placed in the defences. At his request the President appointed him the military commander of the Third Military District.* After the defeat of the American troops before Wash-

* The subjoined correspondence settles the much discussed question, as to whether Governor Tompkins received the commission of major-general in the United States Army while in command of the Third Military District.

ALBANY, N. Y., December 7, 1897.

COLONEL F. C. AINSWORTH, U. S. A., *Chief of Record and Pension Office, Washington, D. C.:*

Dear Sir.—The State of New York during the coming winter will publish the military papers of Daniel D. Tompkins. As you remember, there is more or less dispute whether he was actually commissioned a major-general in the United States Army, or simply exercised that rank by virtue of his appointment to the command of the Third Military District, under the following order, dated:

"WAR DEPARTMENT, Oct'r 14th, 1814.

Sir.—The President commits the Command of the Military District No. 3 to you, and requests that you will repair to the City of New York, without a Moment's delay, to enter on its duty.

I have the Honor to be, Sir,

Your Excellency's Ob't Serv't,

JAS. MONROE.

His Excellency Gov'r D. D. Tompkins."

ington, and the burning of the Capitol, public sentiment ran so strong against the administration that General Armstrong was forced to resign, and his place in the Cabinet was temporarily filled by James Monroe, who was transferred from the Department of State. President Madison now offered the portfolio of the State Department to Governor Tompkins. This honor was significant. Up to this time, with the exception of Timothy Pickering, of Massachusetts, and Robert Smith, of Maryland, each of whom served only two years, the Secretary of State, like the President, had come from Virginia, and the office was regarded as next in line of promotion to the Presidency. But Governor

If it isn't too much trouble, will you let me know whether there is any record in your office indicating the existence of a commission of major-general to Daniel D. Tompkins.

With best wishes always, believe me to remain,

Faithfully yours,
(Signed) HUGH HASTINGS,
State Historian.

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
WASHINGTON CITY, December 14, 1897.

Hon. HUGH HASTINGS, *State Historian, Albany, New York:*

My Dear Sir.—In replying to your letter of the 7th instant in which you inquire whether there is anything of record in the War Department to show that a commission as major-general was issued to Daniel D. Tompkins of New York, during the War of 1812, I beg to say that an exhaustive search of all records likely to afford information relative to the subject has resulted in failure to elicit anything to indicate that such a commission as that described by you was ever issued to Governor Tompkins.

Indeed, the letter-books of the War Department show that he was invariably addressed as "D. D. Tompkins, Governor of New York," or as "His Excellency, Daniel D. Tompkins, Governor of New York." The letter, of which the following is a copy, may be of interest to you in connection with the subject of your inquiry:

"DEPARTMENT OF WAR, April 10, 1815.

"D. D. TOMPKINS, Governor of New York, Albany.

"Sir.—I have the honor to acknowledge the receipt of your letter, requesting to be released from the command of the Third Military District, and you are released accordingly.

"It is with great pleasure that I add an expression of the President's thanks for the patriotic, active, and able support which you have on all occasions given to the measures of the Government, during the late war.

"A. J. DALLAS."

Very respectfully,

(Signed) F. C. AINSWORTH.
Colonel U. S. Army, Chief, Record and Pension Office.

Tompkins, who already had the presidential bee buzzing near him, declined the compliment, on the ground that he could be more useful to the State of New York.

The Executive and Legislative Departments of Government of the State of New York in 1814, were in the hands of the Republicans. Laws were speedily passed increasing the pay of the militia when mustered into the service of the United States, for the encouragement of privateering, for classifying the militia in order to secure 12,000 men for two years, who were to be placed at the disposal of the Federal Government, for raising a corps of Sea Fencibles for the city of New York, for the re-imbursement to Governor Tompkins for expenditures that he had made on his own responsibility, and for completing the hitherto neglected fortifications on Staten Island.

The military situation was then well expressed by Mr. Augustus Wright, from the Eleventh New York district, on Saturday, October 8, 1814, from the Assembly Committee on the Draft of an address in answer to Governor Tompkins' speech, who said, in part:

"When we call to mind the avowed purpose of the enemy, "to lay waste and destroy all our assailable cities and districts on the sea-board," in utter disregard of those principles which are enforced and inculcated alike by the laws of nations, and the feelings of humanity; and when we hear from your Excellency, that "one great object of his campaign was to penetrate with his northern army by the waters of Lake Champlain and the Hudson, and by a simultaneous attack with his maritime force on New York, to form a junction which should sever the communication of the States;" the House of Assembly find ample cause of congratulation in the signal defeat of his land and naval forces at Plattsburgh, and ample cause of approbation of the measures pursued, and the powers exercised by your Excellency to defeat the daring purposes of the arrogant invader.

"When, in addition to our former triumphs, it shall be announced in the Courts of European Monarchs, that a Brigadier-General of the American army, with not more than fifteen hundred effective regulars, and two Generals of Militia, commanding about three thousand men, suddenly brought together by the emergency of the time, sustained for hours the shock of a well-appointed British army of fourteen thousand men, and finally put them to discomfiture and to flight; and when to this it shall be added, that a Captain of the American Navy, at the same time, captured a whole British fleet, vastly superior in number of men, superior in number of guns and weight of metal—the world will again be taught that imposing lesson, that a brave, a patriotic, and a high-

minded people, can never be subdued by the corrupting influence, or the embodied power, of any foreign nation.

"Of the gallant and splendid exploit of Commodore Macdonough, and his associates in arms, the House of Assembly want words to express their admiration:—And they assure your Excellency, that they will not fail promptly to express "their high sense of the illustrious services of those brave men" in a manner consistent with the dignity of the state, and with the character and feelings of those heroic defenders of their country's flag.

"In the list of naval worthies, the gallant Porter greatly contending against superior force, and against treachery unexampled, and Warrington and Blakely, successful in equal contest, are entitled to the warm gratitude of their country.

"It is with the liveliest emotions of pride and pleasure that we turn, with your Excellency, to that theatre of renown, the Niagara frontier. Since the opening of the campaign in that quarter, a brilliant succession of skilful and heroic exploits has gilded our horizon, and has shed beams of brightest effulgence upon the characters of Brown, Scott, Porter, Gaines and Ripley, and the companions of their fame. They have manifested to the world, that the victorious legions of Lord Wellington cannot successfully contend with the prowess of our hardy freemen, nor defeat the well-digested plans of our military commanders. And, while they have gathered for themselves deathless and unfading laurels, they have retrieved and re-established our character, as a nation, for deeds of martial heroism.

"At this eventful era, when perils thicken around us, and when every real patriot anxiously looks about him not only for the means of common safety, but also for the means of bringing to a glorious termination this great contest for our essential rights, and of perpetuating our dear-bought liberties—when, with feelings of shame for the degradation of human nature, we behold a ruthless and vandal enemy, in violation of the most sacred rules of civilized warfare, destroying "monuments of art" and models of taste which lately adorned our capital—and heart of our country—it well becomes the House of Assembly of the great and powerful state of New York, to use every effort so to concentrate her resources, and direct her energies, as to meet with successful firmness, the events that may await us. And we cannot forbear to embrace the occasion of this address, to tender to your Excellency, in behalf of our constituents, the assurance of the high degree of approbation with which we have witnessed the indefatigable industry, and unceasing and vigilant exertions of your Excellency, in placing the exposed points of our frontier in a respectable attitude of defence, and in providing and organizing our patriotic militia forces, as far as was practicable, for the exigencies which have occurred.

"We most cordially concur with your Excellency in awarding to the patient endurance, good conduct, and patriotism of our militia the just tribute of our praise. The late battles at Plattsburgh and at Erie bear ample and honorable testimony to their usefulness and merits. They have hastened to scenes of danger, with an ardor and enthusiasm which belongs only to freemen.

"But while the House of Assembly highly approve of the patriotic spirit, by which the militia of this state have been uniformly actuated; they do not hesitate to declare, that the burthen imposed upon them, by "existing laws" is unreasonably grievous; and they recur with satisfaction to the repeated solicitations of your Excellency for their relief. During the last and the present campaign, we have often seen the father of a numerous offspring, and the sons of helpless parents, who had nothing but their liberties to lose, and nothing but their families to protect, suddenly called away from those who looked to them for daily sustenance, into the service of their country, to protect and defend the families and the princely possessions of the affluent and the legally exempt. The palpable injustice of such a system, in its operation on "the poorer classes of community," powerfully impresses the mind not only with the propriety, but also with the absolute necessity, of converting the wealth of our population into a source of supply for the common defence.

"Possessing an extent of territory and an aggregate of wealth hardly surpassed by

any state in the Union—a population exceeding any other, and of all others the most extended and most assailable line of frontier, our safety imperiously requires that our means of resistance should correspond with the magnitude of the danger to which we are exposed. To effect this desirable purpose, by providing for the common defence of the state and nation, well organized and efficient corps of uniformed troops, answering, in numbers, to the population and resources of the state, and to the exigencies of the crisis—shall be the leading object of our deliberations. And we have full confidence in the opinion, that, by adopting at this juncture, a wise, a liberal, and an enlarged policy in relation to the war, it will be in the power of the state to relieve the militia from the hasty and oppressive levies to which they have been subjected—to substitute, in their stead, a less expensive and more formidable force—and to secure to herself that high character for munificence and public spirit, which she has already acquired, and is emulous to preserve.

“The House of Assembly, with unmingled emotions of pleasure, reciprocate the congratulations of your Excellency, on the “unanimity and patriotic spirit” which seems to actuate every breast. They observe, with proud satisfaction, the union of sentiment and concert of action which characterize the present time. And they see, in the blaze of patriotism which has been re-kindled by the wrongs we suffer, a light which cannot fail to conduct the People of the United States to the most auspicious and glorious destinies.”

The Legislature of 1815 started in promptly with supporting measures for the State and National government's aggressive prosecution of the war, but the patriotism thus displayed was rendered unnecessary by an untoward event. New York city has witnessed many thrilling and exciting scenes, but never in all its history were her sensations so rapturously played upon as on that cool Saturday evening, February 11, 1815, when a small boat landed from the British sloop of war Favorite, which passed through Sandy Hook and the Narrows that day, bearing the glad tidings that the treaty of peace had been ratified by the English government. The news was as unexpected as it was joyous. The people rushed through the streets crying “Peace!” “Peace!”; they hugged one another in their ecstasy. The whole town resolved itself into one grand jollification. The effect upon business was instantaneous. Prices dropped with a smash; sugar from \$26 a hundred weight to \$12.50; tea and flour in proportion. All commercial and manufacturing enterprises bounded forward with an elasticity that bewildered the conservative merchant of old New York; that old New York that by increased immigra-

tion and the opening of the Erie canal was destined in a few years to pass away forever.

It was but natural that at the expiration of Mr. Madison's second term in the White House, Governor Tompkins should aspire to the Presidency. He had within his grasp the material to secure the indorsement of the representatives of his own State. A resolution, therefore, was unanimously adopted in the month of February, 1816, by the Republican members of the New York Legislature, instructing the senators and representatives in Congress to use all proper efforts to secure his nomination. But, in the caucus which was held on March 18, Mr. Monroe of Virginia, was the successful competitor. Not a vote south of the Potomac was cast in the caucus for Governor Tompkins. He was, however, rewarded by the nomination for Vice-President. The reason advanced by southern congressmen for not favoring him for the first place on the ticket was that he was not sufficiently well known to their constituents. But many of his friends asserted that the treachery of a number of prominent northern Republicans exercised considerable influence in his defeat for the nomination. His well known hostility to slavery no doubt prejudiced the southern members of Congress against him.

Although elected Vice-President of the United States, he continued to exercise the functions of the office of Governor until the close of February, 1817, when he resigned. One of his concluding acts as Governor, was a special message to the Legislature, urgently recommending the entire abolition of slavery in this State, to take effect July 4th, 1827. The recommendation was approved and the bill in conformity with the Governor's suggestion was passed. The original law for the abolition of slavery in this State passed the Legislature in 1799, and provided that on

and after July 5th, 1799, all persons born of parents who were slaves should be free—males at the age of twenty-eight and females at the age of twenty-five, but Governor Tompkins' recommendation cleared the pages of history of New York State of this curse forever.

With the attainment of the distinguished honor of Vice-President of the United States, Governor Tompkins' trials were only to begin. The superb services he had rendered the State and the Nation were to be by a large portion of the citizens of the country overlooked and the charge that he was a defaulter was accepted before he had an opportunity to be heard. During the progress of the war he occupied more offices at one time than any other man in the history of the government. He was not only Governor of the State of New York, and commander of all the forces of the State, but paymaster, quartermaster, commissary, commander of the Third United States Military District and general disbursing agent for the State of New York and for the United States. During the three years of the war he disbursed more than three millions of dollars, of which one million was for the State and two millions were for the United States. In less than forty days, without assistance and money from the National government, he mustered into the field at various points of danger in New York, 50,000 men who were organized, armed and equipped; and in less than sixty days, when the credit of the National government was absolutely gone, he raised \$1,000,000 for the public service and made himself personally liable for the entire amount. When he took his oath of office as Vice-President, his accounts with the State had not been settled, and on the ledgers of the Comptroller's office he was made to appear as a defaulter to the amount of \$120,000.

The whole difficulty seems to have been due to his lack of business training and of systematic habits. Busy man as he had been during the progress of the war, he had failed in many instances to take vouchers; and for want of this necessary evidence the Comptroller, Archibald McIntyre of Albany, who had been longer in service than any Comptroller in the history of the State, and who was an honest, fearless man, refused to audit the Governor's accounts and rejected a large number of items. The Governor claimed, and his friends supported him heartily and enthusiastically in this contention, that he had honestly disbursed every dollar that had been committed to his care, and that whatever mistakes he might have made were due to his want of business habits. The controversy between him and the Comptroller ranged over a period of several months.

In 1819, a joint committee of the Senate and Assembly took charge of the Governor's accounts. The Governor had admitted that the balance against him was \$120,000, and represented the premium on the money claimed to have been borrowed by him to be an average of 10 per cent. Colonel George R. Davis of Rensselaer, from the joint committee, made a report to the Legislature from which the following is taken:

The abstracts of charges furnished by his late Excellency Governor Tompkins, as stated in the Comptroller's report, appears on examination to consist:

1st. Of 61 items of wrong and double charges, and charges heretofore audited and allowed, amounting in the aggregate, as will be seen in Schedule A, herewith furnished, to.....	\$131,509 96½
2d. Of 14 items, which, in the opinion of your committee, ought to have been charged to, and paid by the government of the United States, amounting, as will be seen in Schedule B, to.....	1,833 52
3d. Of 20 items, purporting to be advances or payments, but which are unsupported by vouchers at all, or only by irregular vouchers, amounting, as will be seen by Schedule C, to.....	13,550 17
4th. Of 10 items, which do not specify the purposes for which they were made, and may be for the private account of the late Governor, amounting, as will be seen by Schedule D, to.....	4,883 65-

5th. Of 51 items, for purposes unauthorized by law, and which were probably for the individual account of the late Governor, amounting, as will be seen by Schedule E, to.....	\$5,051 25
6th. Of 100 items, for advances made on unsettled accounts or contracts, amounting, as will be seen by Schedule F, to.....	405,638 95½
7th. Of one item, which should have been adjusted at the court of exchequer, as will be seen by Schedule G.....	150 00

Your committee further report, that from the report of the Comptroller, at the last session of the Legislature, Governor Tompkins stands charged on the general account current, between him and this state, with a balance of \$197,297.64; but from the report of the Comptroller, of date the 17th day of February last, it appears, that sundry credits have been ascertained and given since that time, which have reduced the said balance of \$197,297.64, to \$190,559.48; but that the aggregate of the suspended charges have been reduced by the transfer of sundry items from the suspended to the rejected column, for causes assigned by the said Comptroller in his said last mentioned report, and which are satisfactory to your committee, amounting to \$7,420.89. So that if all the suspended charges were now passed to the late Governor's credit, the balance would be \$54,534.04, but as many of the suspended charges are clearly objectionable, and others have been charged and allowed by the general government to the late Governor, as appears from the correspondence between the chairman of your committee and Colonel Pell, copies of which are herewith submitted, as also from the communications of the late Governor himself, to your committee, the amount of the suspended items will be considerably lessened, that are chargeable to the state.

Your committee think it however but justice to the character of the late Governor, to state, that the large amount of double and other charges in the report of the Comptroller, which may be deemed improper, is attributable to the fact, that the late Governor delivered over to the Comptroller, all his vouchers and documents, in relation to his accounts against the state, without order or arrangement, relying upon an intimation of the Comptroller, that he would examine, assort, and pass only such to his credit, as should be found on investigation, not to have been previously allowed, or not properly chargeable to the state. In making this explanation, your committee do not mean to be understood, as imputing any censure whatever on the faithful and intelligent officer who made the report. In making that report, he did no more than act in obedience to the resolution of the house, calling on him for the report.

And your committee further reports, that it appears from the report of Cadwallader D. Colden and Robert Bogardus, Esquires, two of the commissioners appointed by the concurrent resolution of the Senate and Assembly, at the last session of the Legislature, to the Comptroller, and communicated to this house, that the said commissioners have not executed the duties of their appointment, from an impression, that Mr. Bayard's having declined acting, superceded the authority of all the commissioners; but notwithstanding the time had elapsed, within which, according to the terms of the resolution, that report ought to have been made, the said commissioners submitted to the Comptroller, in the report aforesaid, their ideas on the merits of the matters referred to them, to the end, that they might be communicated to the Legislature, if he should think proper. Your committee have examined the said report, and the reasons of the said commissioners, in favor of the various items recommended by them to be allowed to the late Governor, and however fully satisfied they may be of the justice and equity of these items, as claims against the United States, they cannot discover the legality of those claims upon this state.

Among the allowances recommended, however, there is one arising upon monies borrowed upon the personal responsibility of the late Governor for the general government, and for the purposes of paying and supplying the forces called out for the defence of this state, and to pay the demands of the officers and citizens of this state, for public services. These loans were made at the time when the credit of the general government was exhausted, and when they were obliged to borrow current money at a large

discount or premium, and as these loans were generally paid, as the committee are informed and believe, either in current money or in depreciated Treasury notes, which depreciation has been charged by the United States against the late Governor, the committee deem it no more than equitable, that the like premium paid by the general government for current money, at the several times the said loans were made by the late Governor, should be allowed to him, not on the ground of his having any legal claim to this allowance from this state, but on the ground that this state reaped the benefit of the services for which this money was paid, and that nothing has been allowed or received by him from the general government, on this account, although the justice and equity of his claim upon them is palpable, he having in this business acted as their agent or officer, with full and unlimited powers.

And the committee are the more inclined to make this allowance, from the circumstance, that this state has in its possession the means of indemnity from the general government, which the late Governor has not.

The committee, therefore, for the purpose of facilitating the final settlement of the said accounts, recommend that the Comptroller be directed to credit Daniel D. Tompkins, late Governor of this state, for all such sums of money as may be made satisfactorily to appear to him were advanced, expended, or paid, by the late Governor, for or on account of any public services, authorized by law, and that the Comptroller charge such sums to the several persons to whom those advances have been made, with the amount stated in such allowances to the late Governor; and that the Comptroller also credit and allow to the late Governor the same discount or premium on the current money borrowed and obtained by the late Governor, on his personal responsibility, and by him expended and disbursed in the public service, during the late war, as was allowed and paid to other individuals, or bodies corporate, for current money loaned of them by the government of the United States, in the certificates of stock or funded debt of the said government; and that the said Comptroller debit the government of the United States with the sum so allowed; and the committee have prepared a bill for this purpose, and directed their chairman to ask for leave to present the same.

The bill was passed and the controversy between the Comptroller and the Vice-President took a new phase upon the latter's statement to a friend in Albany that the premium on money that he had borrowed would average 24 per cent. To complicate further the situation, the steadily growing hostility against DeWitt Clinton in the State had led many of his enemies to believe that Vice-President Tompkins was the only man with strength enough to defeat him for the office of Governor, for which Clinton had been renominated in 1820. Vice-President Tompkins, in an unguarded moment, was persuaded to enter the field against his old-time friend. Inasmuch as the Vice-President's accounts had not been adjusted and the controversy between him and the Comptroller, McIntyre, who was an ardent Clinton man, was at its climax, the followers of DeWitt Clinton, ugly and vindictive,

made the most of the charge that the Vice-President was a defaulter. This of course, militated very seriously against him and cost him many votes and the election. The Clinton people were in control of the Legislature in 1820, and sustained the Comptroller in the attitude that he had assumed against the Vice-President.

Finally, in 1821, a law was passed authorizing the accounts to be settled on Vice-President Tompkins' executing a release to the State of his claim for all commissions.

Later he was compelled to bring suit against the Government for the sum of \$130,000, and the jury awarded a verdict in his favor. A bill was introduced in Congress to give him restitution. It was ordered that the question should first be submitted to the Secretary of the Treasury, and was to be only finally determined after the President of the United States had expressed his judgment. When the bill was brought in the House in Committee of the Whole, in December, 1823, a member from Tennessee arose and made a motion to strike out the enacting clause. Mr. Louis McLane of Delaware, chairman of the committee, said that the position of the gentleman was not a surprise when the House considered the ground of it. This was not the case of the individual asking of the House a gratuity or unauthorized allowance, but asking them to do what Congress was already obliged to. The services of the individual whose claim was now under consideration could not now be unknown to any gentleman here. "We all know his services," said Mr. McLane, "which at a very dark and gloomy period were exceedingly patriotic to his country and disinterested. We all know that at a moment when others were husbanding their funds or dealing them out with a very scanty hand, this man risked

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everything for the public cause and staked his private fortune in its support. It is to services thus rendered that his present embarrassments may be traced. In consequence of them he now calls on his country, not for charity but for justice."

Vice-President Tompkins found a sturdy champion in Henry Clay, who was then Speaker of the House, and who took the floor in behalf of the bill. Mr. Clay said it was entirely unnecessary for the friends of the Vice-President to refer to the public services, eminent as they had been, of the distinguished gentleman in question. This was not a fit occasion to introduce them. Not only were those accounts to be submitted to the severe scrutiny of the most rigid officer of this Government—an officer whose scrupulous accuracy in the admission of accounts against the Government is as deservedly approved as it is universally known; but after they had gone through the crucible, after they had been subjected to all the jealous scrutiny of this vigilant officer, they are to be submitted to the President for revisal. The President revises them and then he sends to this House a message, in which he declares not only that he is satisfied that this balance is justly due, but that much more is due to him.

The matter, however, was held in abeyance until 1824, the House of Representatives having referred back the accounts and claims to be settled on the principles established by report of the commission that had them under consideration. April 28, 1824, President Monroe sent a message to the House, in which he reported that in the matter of interest on Governor Tompkins' advances for the public, the Vice-President was allowed \$14,438.68; second, as a reasonable commission for his disbursements during the war, he was allowed 5 per cent. on the whole sum disbursed by him, amounting to \$92,213.13. "I have made him this extra

allowance," said the President, "in consideration of the aid which he afforded to the Government at that important epoch, in obtaining the loan of a considerable part of the sums thus disbursed."

"As an indemnity for losses sustained by him in consequence of the failure of the Government to fulfil its engagements, to send him money or treasury notes within the time specified, he was allowed \$4,411.25.

"No allowance was made for losses sustained by him by any frauds or failures of sub-agents. From the amount thus allowed him, after deducting the sum paid him under the act of the present session, and the moneys charged to his account, there will remain a balance due him of \$60,238.46."

In conclusion the President said: "I think proper to add, that the official relation which I bore to Governor Tompkins at that very interesting epoch under the highly distinguished and meritorious citizen under whom we both served, enabling me to feel very sensibly the value of his services, excites a strong interest in his favor which I deem it not improper to express."

In conclusion it is only necessary to say that as late as 1847, the Government was indebted to him to the amount of \$40,000.

The last public honor conferred on him by his faithful constituents of Richmond county was his election to the State Constitutional Convention of 1821. Over this body he presided. He had suffered keenly, mentally, from the cloud which had hovered over him for so many years, and unfortunately yielded to temptations that increased as the years went on.

February 1st, 1822, he wrote to his friend, Rufus King, who was then one of the senators from New York State, and stated

that his health had suffered so much that as soon as the weather and the State of the roads would permit, he desired to return to his family, and he requested the senator to communicate this determination to the Senate. He was excused, and the Honorable James Gaillard of South Carolina, was elected President pro tem., and served as such until March 3rd, 1825, when the Senate tendered him the vote of thanks that usually is accorded the Vice-President himself.

The only occasion when the Vice-President again appeared in the Senate Chamber was at the reassembling of Congress, December 2d, 1822. He died June 11, 1825. His last days were marked by fits of melancholy.

Governor Tompkins' State papers indicate the possession of a remarkably well-balanced, self-controlled and judicial mind. They stand conspicuous for perspicuity, strength of expression and a pure vocabulary.

The late Henry B. Dawson, a distinguished historical writer and a great admirer of Governor Tompkins, has this to say of his State papers:

"I say without hesitation that there is nothing in the country to be compared with them for importance concerning the war of 1812, and the crowning part which New York with her Governor bore in that conflict, can *nowhere else be seen*. The United States were dependent on the personal indorsement of that same Governor to the Bank of America for the money which they could not provide anywhere else; and after all, those same United States permitted its paper to go to protest on that occasion, and the Governor's private property was sold by the sheriff, it having been the bank's security for that Federal loan. Mrs. Tompkins, three days after her confinement, was carried out of her home on

her bed, and laid in the street with her infant a few days old, by the sheriff's officers penniless and homeless. The officers and crew of the United States revenue cutter then lying off Staten Island, who had witnessed the barbarism of the law, picked up the bed, the mother, and the babe, and carried them on board the cutter.

"Not until the past few years was the principal sum of that debt paid to the Governor's children. The interest was never paid; and the property which was wrested from him by the sheriff to pay what he had borrowed for the United States, is to-day worth millions."

The pecuniary embarrassments from which Governor Tompkins suffered during his latter days unquestionably hastened his death. In his letter to Comptroller McIntyre in 1819, he wrote:

"By what act of my life, either public or private, have I forfeited the right to the same equity and justice which would be freely dispensed to any other citizen? Of thanks, sir, I have had enough; of the confidence, affection, and support of the people, the army, the navy, and militia, more than I merited; of factions, opposition, calumny, detraction and abuse, an unexampled portion;—but of remuneration, indemnity, equity or justice, nothing."

And what can be more pathetic than the following language:

"I have not only been defeated in my expectations of the performance of the public faith, but have been traduced and calumniated for years throughout this community as a villain and swindler, merely because I could not perform the engagements I had made, owing to the non-performance of the pledges of the government to me. * * * *They* have had no cares to encounter, no prison to brave, no family to weep over, no sor-

rows to afflict them. But to me, for the toilsome days, sleepless nights, anxious cares, domestic bereavements, impaired constitution, debilitated body, unjust abuse and censure, and accumulated pecuniary embarrassments, nothing is yielded;—for which treatment, permit me to say, sir, the whole treasury of the country can never atone.”

In his younger days, before his financial difficulties overwhelmed him, he was genial, whole-souled and affable to all, and while always dignified, appeared to be unconscious of his greatness or the greatness of the position which he held. The fact that many of his most virulent opponents believed him to be innocent of all wrong-doing and guilty only of carelessness and ignorance of business methods, would indicate the purity of his character, and the respect in which he was held by the people and the affection which they had for him. He is buried in St. Mark's churchyard, New York city. The only monument to his memory, erected by friend or the State or the Nation in whose behalf he devoted the best years of his life, and to maintain whose credit, honor and position among the Nations of the earth, he forfeited his credit, surrendered his fortune and died a bankrupt, is the profile bas relief recently cut in one of the corbels of the great Western Staircase of the Capitol at Albany.

HUGH HASTINGS,

State Historian.

PART I.

Military Papers From 1800 to
1812.

JOHN JAY, GOVERNOR.

General Orders.

Albany, 8th March, 1800.

In council, Resolved that all Adjutants of Regiments and who by Law have rank of Lieutenants shall be promoted to the Rank of all superior grades successively in the Regiment, according to the dates of their prior Commissions of Lieutenants or Captains in the Brigade in case they shall have such prior Commissions; and when an Adjutant shall rank as eldest Captain and the place of second Major be vacant he shall if in other respects proper and qualified on the principal of senior Rank be appointed to fill that vacancy, and take Command accordingly.

Resolved, that in all cases where a Quarter or Paymaster has been or shall be taken from among the Commissioned Officers of the line he shall on the principal of rank have the same title to promotion as if he had remained in the line.

Extract from the minutes of the Council.

A CALL FOR THE GENERAL RETURNS.

G. O.:

Headquarters, April 9th, 1801.

The Commander in Chief directs that all the returns of the Vacancies of Officers, Streight (?) of the Regiments or Separate (?) Battalions, their arms, accoutrements, &c., in the Militia (?) of this State be made to the Brigadier General or Officer Commanding the Brigade to which such Regiment or Separate (?) Battalion is attached; who will cause the Brigade Inspector to make an aggregate thereof, (agreeable to the forms prescribed) before the annual Stated meeting of the Legislature and forward it to this office — none will be received but what are made through this channel. All resignations must be made

to the Major Generals, agreeable to Law, those made to the Contrary, will be Considered informal and cannot be received.

By order of his Excellency:

ORGANIZATION OF THE FIRST LIGHT INFANTRY.

G. O.:

Headquarters,*

The uniformed Companies of General Boyd's Brigade having solicited to be formed into a Regiment with the approbation of their Brigade Commander, it is Order'd that the said Companies be accordingly formed into a Regiment to be denominated the first Light Infantry, and that the feild (?) and staff assigned by the said General are the feild (?) and staff of said Regiment, Vizt.

By Order of His Excellency:

Sol. Van Rensselaer, Adj't. Genl.

INDISPOSITION PREVENTS THE ADJUTANT GENERAL FROM MAKING RETURNS.

Adjutant-General's Office,

Albany, February 10th, 1801.

Sir:—

The low state of health of the late Adjutant General prevents him from making a return of the Public Papers attached to this Office, this circumstance causes my delaying to report to the Commander in Chief, the State of the Militia until new returns can be obtained, you will therefore please to forward to me as early as possible, returns of the Division of Militia, under your Command.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj't. Genl.

Major Genl. Mich'l Myers.

*Not included in the papers of Daniel D. Tompkins. Taken from the General Orders of the Adjutant-General's office.

GEORGE CLINTON, GOVERNOR.

General Orders. City of Albany, December 16th, 1801.

The Court Martial (whereof Brigadier-General (George) Doolittle was President) Instituted by Major General (Michael) Myers commanding the fifth Division of the Militia of the State for the Trial of Lieutenant Colonel Benjamin Hovey* on the following charges:

1st, For openly and Intentionally violating the Orders of the Commander in Chief of the first of April, 1801;

* Under the law passed April 4, 1782, by the New York Legislature, entitled "An Act to regulate the Militia," the rank of Colonel was abolished by Section 4, which reads:

"That in case of the death, resignation or other inability, to serve of any Colonel now commanding a regiment, no Colonel shall thereafter be appointed thereto. That such regiment and all others not now commanded by a Colonel shall henceforth be commanded by a Lieutenant-Colonel."

By Chapter 25, Laws of 1786, it was provided, "That each regiment shall be commanded by three field officers, viz.: One Lieutenant-Colonel Commandant and two Majors."

May 8, 1792, the Congress of the United States passed an Act, "More Effectually to Provide for the National Defence by Establishing a Uniform Militia Throughout the United States," in which the provision was made: "That the said militia shall be officered by the representative states as follows: * * * ; to each regiment one Lieutenant-Colonel Commandant." This Act was re-enacted and put in force in New York State by Chapter 45, passed March 9, 1793. All subsequent State militia legislation was based upon the United States Act of 1792 for many years.

The Lieutenant-Colonel Commandant continued as the ranking officer all through the War of 1812, and until May 1st, 1816, when the 14th Congress passed an Act which is known as "Chapter 64," in which it was provided: "That from and after the first day of May next instead of one Lieutenant-Colonel, Commandant to each regiment, * * * there shall be one Colonel, one Lieutenant-Colonel, and one Major to each regiment of militia."

July 8, 1816, the Council of Appointment of New York adopted the following resolutions:

"Resolved that the several persons now holding the Commission of Lieutenant-Colonel in the several regiments of Infantry, Artillery, Cavalry, Horse Artillery and Rifemen of this State be deemed and respected as Colonels from and after the first day of May next and that their relative rank as colonels shall be the same as their present rank. That all first Majors be deemed and respected as Lieutenant-Colonels and shall have the same relative rank as Lieutenant-Colonels which they now have as first Majors and the said Lieutenant-Colonels and first Majors are hereby respectively appointed to said offices with such relative rank accordingly.

"Resolved that the Adjutant-General forthwith cause a list or roster of the Lieutenant-Colonels and first Majors embraced in the preceding Resolutions, with the dates of their respective Commissions, to be made out, certified and filed in the office of the Secretary of State and that the Secretary issue new commissions to them as Colonels and Lieutenant-Colonels respectively with rank from the dates of their present Commissions according to the Act of Congress passed 20th April, 1816."

2nd, For neglecting his Duty and publicly disobeying and contemning Brigadier-General (Jonathan) Forman's Orders of the 20th of April, 1801, having found him guilty and sentenced him to be removed from that office and the sentence being approved by Major General Myers, was appealed from by Lieutenant Col'l Hovey to the Commander in Chief to whom the proceedings of the said Court have been transmitted.

On this appeal, the Commander in Chief has examined the proceedings of the said Court with that care and attention which his Duty and disposition to enforce a due obedience from the subordinate officers of the Militia to their superiors in command, and the important consequences affecting the Officer who is the object of those proceedings could not fail to excite.

The opinion resulting from this review requires that the leading circumstances on which it was founded should be detailed, as well to prevent the repetition of irregularities similar to those occurring in this Case as to admonish the Officers to whom sentences of Courts martial are by Law submitted of their Duty carefully to examine the proceedings before they pronounce their determination on them.

It is with some concern the Commander in Chief has remarked that instead of stating in these proceedings the interrogatories put to the Witness and his answers, in the form which has been well established by long and uniform practice the substance of the Testimony has merely been inserted.

From the proceedings of the Court it appears that Major Ray was the only Witness produced at the Trial in support of the Charges; that he delivered to James Glover Esq'r a letter written by General Forman which contained the Orders of the Commander in Chief dated April 1, 1801 the Copy of which Letter is

annexed to the proceedings, and referred to, and marked E, without stating to whom the said Letter was directed, or when the same was so delivered; that he afterwards saw in the hands of Lieutenant Col. Hovey, but without stating when the letter which he gave to Mr. Glover, but did not know that the Orders ever came to the hands of Lieutenant Col. Hovey. That he heard Lieutenant Col. Hovey say that he should not obey the Orders or that he should not pay any attention to them, but without stating at what time or under what Circumstances this happened or to what orders these expressions alluded.

That in addition to this evidence a paper was produced to the Court by General Forman as a Letter from Lieutenant Col. Hovey to Major Ray, dated the 19th May, 1801, which paper is also annexed to the proceedings of the Court and referred to as marked F, without any proof or admission relative to it.

Upon examining the Papers referred to the Commander in Chief discovered that the Paper marked E, and referred to in Major Ray's Testimony as containing the Orders of the Commander in Chief, of the 1st of April purports to be Brigade Orders of the 19th of that Month by which General Forman, among other things directs Lieutenant Col. Hovey to parade his regiment on the 8th of June following and that the Orders of the Commander in Chief do not appear in any part of the said proceedings, other than by a general reference to them in such Brigade orders without particularizing their import and that the letter referred to as Lieut't Col. Hovey's, instead of being an Original, imports to be a Copy of a Letter from Lieut't Col. Hovey to Major Ray and certified to be such by the latter.

It also appears from these proceedings that the Orders for Convening a Court Martial for the trial of Lieut. Col. Hovey preceded

the notification to him of his arrest and a service of a Copy of the Charges on which it was founded. That the Charges on which he was tried, varied from those, a copy of which was served on him.

That his application for an adjournment because he had only six days after the notification of his intended trial to prepare himself, because his witnesses lived in other Counties and the place of abode of the President of the Court Martial was sixty miles distant from his own so as to prevent him from procuring precepts in time to compel their attendance, with the addition of his Oath that their testimony was material, was over-ruled.

1st, Because it was unprecedented;

2d, Because it appeared that the evidence in support of the Charges was such that if such an adjournment was granted it would be out of the power of Lieut. Col. Hovey to exculpate himself from the charges.

The Act to Organize the Militia of this State directs that if any officer shall be arrested by virtue of this Act, the Charges shall be particularly set forth in writing, and signed by the arresting officer, a copy whereof shall be delivered to such officer so arrested, or left at his usual place of abode, within three days after such arrest; and the person so arrested shall not be held to answer to any matter whatsoever not set forth in such charge, and by the Act entitled "An Act further to amend the Laws relative to the Militia of this State" It is provided that it shall be the duty of the Officer directed by Law, to Order any Court Martial for the trial of Officers to Order the same within thirty days after receiving a Copy of the arrest and the Charges on which the arrest is made.)

Upon comparing the proceedings of this Court Martial with the directions contained in the preceding extracts of the Militia Laws

and testing them by the general principles of Justice, the Commander in Chief is decidedly of opinion:

“ That the issuing of an Order for the Convening of a Court Martial to try an Officer on an Arrest before the Arrest is actually made and a Copy of the Charges on which it is founded delivered to such Officer or left at his usual place of abode, as well as the trial of such Officer on charges varying from those so served on him is illegal and improper. That a general charge of disobedience of Orders without stating the Import of them or the precise point of duty on which the charge is founded, is insufficient and contrary to Law.

“ That the reason assigned by the Court Martial for refusing an adjournment when application was made in the usual way supported by an Oath, are repugnant to Justice, incorrect and untenable; for aught that appears if an adjournment had taken place Lieut't Col. Hovey might have shewn a compliance with the orders, which it is alleged he had disobeyed or have satisfactorily accounted for a breach of them which might have been unavoidable and of Course not Criminal; and lastly,

“ That no evidence of the disobedience of any Order of the Commander in Chief of the 1st of April, nor of a Brigade order of the 20th April of Brigadier-General Forman, appears to have been produced to the Courts, and that even if the Brigade order of the 19th of that month was intended, it does not appear that it ever came to the hands of Lieutenant Col. Hovey, nor does it appear from the proceedings whatever might have been the truth of the Case, that it was not complied with; no proof having been made that he actually neglected his duty or disobeyed the orders.

“ For these reasons the Commander in Chief disapproves of the

sentence, annuls it, and Orders Lieutenant Coll. Hovey discharged from his arrest."

The Commander in Chief regrets that on this occasion he has presented to his view the appointment by Brigade Orders of three additional Brigade Majors or Brigade Judge-Advocates, and a Brigade Quartermaster, a measure which his duty compels him to discountenance as Injurious to the service, unauthorized by Law, and inconsistent with the Constitution of the State.

CAPT. PHINEAS STEVENS APPEALS FROM THE SENTENCE OF A COURT
MARTIAL WITH SUCCESS.

General Orders: City of Albany, January 2d, 1802.

On the appeal of Captain Phineas Stevens, of Lieutenant-Colonel (John) Tillotson's regiment, in General (Benjamin) Ledyard's brigade, from the sentence of the general court-martial, whereof Lieut.-Col. (Wilhelmus) Mynderse was President, which was held at the village of Aurora, in the town of Scipio, on the 28th day of October last for his trial;

The Commander in Chief has examined the proceedings of said Court and observes with great regret from the Testimony which was before the Court that the Conduct of Captain Stevens justly subjected him to the imputation of disobedience of orders and other improprieties highly unbecoming in an officer, and more especially in one of his rank, and he should certainly approve of the proceedings of the Court Martial had the particular instance of his disobedience, neglect of Duty and unofficerlike conduct, been specified in the charges exhibited against him, and on such he was tried, but which does not appear to have been the case. It is a principle of Law recognized by the Act to Organize the

Militia, that no person shall be found to answer to a charge unless the same be defined with proper precision and certainty, without which a defence cannot be made but under great disadvantages.

The officers of the Militia are particularly interested in a rigid adherence to this provision. The proceedings of Courts Martial are in general more summary than in other Courts, and it is only by a timely notice of the particular charge which he is to be tried for, that the party arrested can prepare himself for his defence. In the present case it does not appear that Capt. Stevens was apprised what were the orders which were disobeyed, or in what respect he had been guilty of an unofficerlike conduct or neglect of duty, however exceptionable; therefore his conduct appeared to the Court who had but too much reason to recommend his removal. The Commander in Chief seeing that so salutary and important a provision in the Law has not been complied with, finds himself compelled to disapprove of the sentence of the said Court which is hereby annulled and the said Captain Stevens accordingly discharged from his arrest.

AN OFFICIAL DISPUTE OVER ORDNANCE.

Albany, 21st February, 1802.

Sir:—

Agreeable to your Excellency's directions I have examined the condition of the brass Ordnance in the city of Schenectady, and in the village of Lansingburgh. The two pieces (three-pounders) in the former place I found under the care of Capt. Teller who commands the Company of Artillery in that City, housed and in good Order with all the equipments Originally delivered complete and uninjured. I have, therefore, conformably to your Orders in such case, left them under his care for the use of his Company.

At Lansingburgh, I also found two Brass three pounders. These were in a Stable the harness partly covered with dung and with the other equipments (many of which are missing and others of them broken and injured) were in a ruinous condition. Under these circumstances I conceived it to be my duty, and, accordingly to your Excellency's intention, to have them removed from thence and deposited in the arsenal at Albany, but I found this impracticable owing to the refusal of the Person, a Capt. (Joseph) Alexander, in whose possession they were, to deliver them to me without a Written Order from your Excellency for this purpose.

I have therefore to request that you will be pleased to issue such Order that I may meet with no further difficulty on the subject.

I have only to add that I am informed that altho' there are Officers for a Company of Artillery in this place, there are no privates nor has there been any parade for these two years past, so that it would be useless to leave these pieces in their present situation, even if better care were taken of them.

I have the honor to be your Excellency's Most Obedient Servant,

John McLean, Com'y Mil'y Stores.

(Commissary of Military Stores.)

To His Excellency Gov'r Clinton.

Adjutant-General's Office, February 28th, 1801.

General Orders:

You are requested to deliver the ordnance in your possession to Capt. Joseph Alexander of the Artillery in the Limits of your Regiment.

By order of the Commander in Chief:

Sol. Van Rensselaer,

Adj't. General.

Lieut. Col. Com't, Derick Lane.

REACHING FOR A HIGH STANDARD OF DISCIPLINE.

General Orders: City of Albany, April 12th, 1802.

Pursuant to an Act passed the last session of the Legislature, the Brigade Inspectors are in future to review and Inspect the Militia, composing their different Brigades, and the Commander in Chief wishing to give every accommodation of which this arrangement is susceptible, has thought proper to direct the Brigadier Generals and officers commanding Brigades, to Order the Regiments, Companies of Artillery and Cavalry within their Brigades, to parade for the next Annual Review and Inspection on such days previous to the 15th of October as shall be most convenient for the Militia to attend.

The Act above alluded to authorizes an increase of the fines for delinquencies, and the commanding Officers are to see that the different provisions of that Law are faithfully executed.

The Commander in Chief, however, relying on the Patriotism and good sense of the Militia, flatters himself that few, if any, will be found so regardless of their duty as to incur penalties of the Law. The Brigade Inspectors are to make their Inspection returns to the Adjutant General, on or before the 30th of November next, agreeable to the forms with which he is directed to furnish them, noting in such returns the Regiments and Companies which shall have made the most soldierly appearance on parade and best performed their duties, that merit may be known and appreciated by the Commander in Chief.

Inconveniences have frequently been experienced for want of returns of the names, grades and relative rank of the officers of the different corps, especially in the making of appointments affecting rank; The Brigade Generals and Officers commanding Brigades are therefore requested to cause such returns to be made

without delay and transmitted with the Annual Inspection returns to the Adjutant General, previously taking the necessary measures to have all disputes respecting rank determined.

The Government of the United States having placed their principal reliance on the Militia, as the best and safest defence of our Country against hostile invasions, and a Knowledge of Military Tactics being indispensably necessary to enable them efficiently to execute the important trust reposed in them, the Commander in Chief, therefore, exhorts the Militia as they value the inestimable privileges they enjoy as citizens, to pay a strict and faithful attention to those duties which they owe to their country as soldiers; and he particularly recommends it to the officers to be diligent in acquiring a knowledge of military discipline and in diffusing that knowledge through the body of the Militia by encouraging with their presence and example frequent voluntary meetings for the purpose of exercising in arms.

The Commander in Chief also embraces this opportunity of recommending as far as may be practicable, uniformity of dress on field days not only as ornamental but highly conducive to Order and discipline; and in those counties where the Rifle dress is substituted for the established uniform this measure instead of proving expensive, he is persuaded, will be found consistent with economy.

The Adjutant General will make the necessary arrangements with the Commanding Officers of those Brigades at whose review and Inspection he is directed personally to attend.

CAPT. DAVID LONG DISGRACED FOR CONDUCT UNBECOMING A SOLDIER.

General Orders: City of Albany, March 4th, 1803.

The Court Martial whereof Lieut. Col. Simeon De Rider was President, Ordered by Lieut. Colonel David Thomas, commandant

of a Brigade of Militia, in the County of Washington for the trial of Capt. David Long of said Brigade on the following charges:

To David Long, Captain of a Company in a Regiment of Militia, in the County of Washington, lately commanded by Lieut. Col. David Thomas in the Brigade under my command.

Sir:—

You are hereby arrested, and the following charges are hereby exhibited against you, to wit:

Charge 1st, That the said David Long on the first day of September last, past, at Salem, in said county being the day and place when and where the said Regiment was Ordered to parade for Review and Inspection by the commanding Officer of the said Brigade, did not march with the company then and there under his Command to the place in said Regiment which was assigned for the same by Major David Gray, Commandant thereof, when he was directed to do so by David Corswell, Adjutant of said Regiment, although the said Adjutant did inform him, the said Captain, that it was the orders of the said Major Gray;

2nd, That the said Captain David Long, on the day and at the place aforesaid, did refuse or neglect to march the said company, or to order the said company to march to the place in the said Regiment assigned for the same as aforesaid when Ordered or directed by the said Major Gray;

3d, That the said Capt. David Long on the day and at the place aforesaid, (when the rear rank of said Regiment had taken distance and the officers had advanced in front and dressed on a line) did stand with one hand on the hilt of his sword and the point thereof on the ground, and did continue to hold his sword in that position while the Commander of the Brigade passed

along in front of the line of Officers in review of the said Regiment;

4th, That the said Capt. David Long on the day and at the place aforesaid, did refuse or neglect, to order the Platoon under his command to carry arms when Ordered to do so by the Commandant of said Brigade.

David Thomas, Lieut. Co., Comm'd't,
and Commandant of the Brigade.

Salem, 30th October, 1802.

And the Sentence is Approved by the Commander-in-chief.

Having found him, the said Capt. David Long guilty of the several Charges and sentenced him to be removed from that Office, and the sentence being approved by the said Lieut't Col. David Thomas, as commandant of the said Brigade, was appealed from, by Captain Long, to the Commander in Chief, to whom the proceedings of the said Court have been transmitted. the Commander in Chief having on this appeal examined the proceedings of the said Court and finding them to be regular, and the Charges substantiated, has thought proper to confirm the said sentence and Orders it to be carried into execution.

A Court Martial is Ordered for Him.

Brigade Orders:

Salem, November 1st, 1802.

Lieut. Col. Simeon De Rider, Major John Mills, Captains David Rood, Andrew Lytle, William McLean, John Tomb, and Dyer Cleaveland, Lieutenants Robert Stuart, Moses Rice and John I. Campbell and Ensigns Stephen Robinson, William Russel and Solomon Root are appointed a Court Martial of which Lieut. Col. De Rider is President, for the trial of Captain David Long of the Regiment of Militia, lately Commanded by Lieut. Colon'l Thomas

in the Brigade under my Command, to meet at the house of David Corswell in Salem, on Friday the 5th day of this Instant November, at nine o'clock in the forenoon of which you will take notice and govern yourselves accordingly.

David Thomas, Lieut. Col.,
Comm't. and Comm't. of the Brigade.

To Capt. David Long.

Adjutant-General's Office, February 21st, 1803.

Sir:

You will please to deliver to Capt. Joseph Kirkland a six-pounder brass field piece, with the implements complete, taking the usual vouchers for the same.

By order of his Excellency.

(To) John McLean, Esq'r.,
Comm'y Mil'y Stores, N. York.

GENERAL ORDER FOR THE ANNUAL REVIEW OF 1803.

G. O.: Albany, April 20th, 1803.

The Commander in Chief submits it to the Brigadier Generals and Officers commanding Brigades to appoint the time for the annual reviews and Inspections of their respective Brigades in order that the convenience of the Militia may be consulted.

By an Act Passed the last session of the Legislature, the Brigadier Generals, and officers Commanding Brigades, are to attend the annual reviews and Inspections of their different Regiments and Corps to give such orders as shall appear to them best calculated to improve the system of Military discipline established by Law, and for improvement in Military exercise and manoeuvres and to give timely notice to the Major General of the Division to which they respectively belong, of the times

fixed for the annual reviews and Inspections, to the end, that he may have an opportunity of reviewing a portion thereof every year.

By the same Act the commanding officers of Regiments and Battalions are to make returns in due form of their respective Corps, to the Officer Commanding the Brigade, within one Month after the annual review and Inspection, together with a return of vacancies and other casualties, naming therein the Persons entitled to promotion; from which last mentioned returns the Brigadiers are to form brigade returns, and transmit the same to the Commander in Chief on or before the first day of February in every Year, and as soon as may be to make Brigade returns to the Major General of the division.

As these duties are enjoined by Law and are essential to the Public service, the Commander in Chief expects they will be faithfully performed.

To prevent irregularities and imperfections in returns, the Adjutant General is directed to transmit blank forms to the different Corps.

It is indispensably necessary to the regular promotion of Officers that their relative rank be ascertained; Boards of Officers are therefore to be appointed in each brigade, by the commanding officer thereof for this purpose, without delay. As appointments will in future be made in the Order that the returns of vacancies are received, it will be interesting to the Officers that those returns be promptly made; and it is earnestly recommended, that they be forwarded to the Adjutant-General's office as early as the first of January, so that time may be afforded for completing the appointments and promotions and issuing the Commissions in the course of the Winter.

The Commander in Chief conceives it to be a peculiar Duty at this important crisis of our Public affairs, to exhort the Militia to use every exertion to provide themselves with arms, and for their Improvement in Military discipline and knowledge of tactics; Government relies on them for national defence; and from the opinion the Commander in Chief entertains of their patriotism he flatters himself it will be their first pride to render themselves eminently worthy of the high confidence reposed in them.

By order of his Excellency:

Sol. Van Rensselaer, Adj't. Gen'l.

SERIOUS CHARGE AGAINST THREE OFFICERS.

G. O.:

Albany, 10th August, 1803.

Complaints having been exhibited to the Council of Appointment, on the 19th day of March last, by Joseph P. Dibble and John Herman, charging Beriah Phelps, a Major, Thomas Truesdale, a Captain, and Nathaniel Kellogg, a Lieutenant, in the Regiment of Militia in the County of Columbia, commanded by Charles McKinstry, Esq'r. with intoxication at a Court Martial held in January last of which they were Members. Whereupon the Council on the 8th April last came to the following resolution, to wit: "The Council agreeably to their resolution of 19th of the last month, having heard Major Beriah Phelps, Capt. Thomas Truesdale, and Lieut. Nathaniel Kellogg in their vindication on the charges exhibited against them, and it appearing to the Council that the Testimony produced as well in support of the charges against the said Officers as in their exculpation, was too vague and uncertain to enable the Council to form a correct decision in the premises, and, inasmuch, as the said charges if substan-

tiated are of such a nature as to subject the said officers to trial by Court Martial; Therefore Resolved, that the said Complaints be dismissed and that his Excellency the Commander in Chief be respectfully requested to take such further order for the investigation of the said charges as Justice may demand and the good of the Public Service require."

His Excellency the Commander in Chief has thought proper to appoint a board of Officers to consist of Lieut. Col's. Samuel Ten Broeck and Jonathan Warner and Major Bartholomew I. Van Valkenburgh, who are to enquire into the truth of the said charges.

The board will assemble for this purpose with all convenient speed, (giving timely Notice to the parties of the time and place of their meeting), and report to the Commander in Chief the result of their enquiries. The Adjutant General will procure Copies of such affidavits and other documents respecting this subject as remain with the clerk of the Council and cause them to be transmitted to the board with this order.

By order of his Excellency:

Sol. Van Rensselaer, Adj't. Gen'l.

PETER FRYER'S APPLICATION TO RAISE A LIGHT INFANTRY COMPANY
IN ALBANY.

G. O.:

Albany, 25th September, 1803.

Application having been made to the Commander in Chief by Peter Fryer for leave to raise a volunteer light Infantry Company in the City of Albany, the same is referred to the Adjutant General to report on the expediency thereof, and on which he will take the opinion of the Major General of the division residing in the said city. The Persons proposed for Officers of said Com-



GENERAL PETER B. PORTER.

pany have expressed their willingness to relinquish any right of promotion in the ordinary Militia which they might acquire in virtue of their appointments to Command such Company.

George Clinton.

Albany, 25 Sept., 1803.

A GENERAL ORDER FOR OFFICERS.

G. O.: Albany, 2nd January, 1804.

The Commander in Chief directs the Adjutant General to republish and transmit copies of the following standing order to the Commanding Officers of the different Brigades, to Wit: all Officers are to report the acceptance of appointments as follows: Subalterns to the Officer commanding the Company to which they belong; Captains, Officers commanding Companies and Staff Officers, to the Officer Commanding the Regiment or Battalion to which they belong; Lieutenant Colonel Commandant, and Officers commanding Regiments or District Battalions, to the Brigadier Generals of the Brigade.

By order of his Excellency:

Sol V. Rensselaer, Adj't. Gen'l.

CHARGES PREFERRED AGAINST AN OFFICER.

G. O.: Albany, March 15th, 1804.

Complaint having been made to Brigadier General James Gordon, by James Guernsey, Lieutenant of a Company of Artillery, against Captain Daniel Rathbone commanding the said Company for improper conduct in the Execution of his office, and the said Complaint having been transmitted by the Brig'r General to the Commander in Chief, he has been pleased to Order that

Lieut. Col. Price, Major Goodrich and Major Asa Porter, form a board to enquire into the truth of the said charges and that they cause the parties to be notified of the time and place of their meeting, and that they make report of the facts with their opinion thereon to the Commander in Chief without delay. The Adjutant General will furnish them with a Copy of the charges as stated in the complaint and of the letter from the Brigadier General transmitting the same.

ANNUAL REVIEW AND INSPECTION OF 1804, AND GOV. CLINTON'S FAREWELL WORDS TO THE TROOPS.

G. O.:

City of Albany, 28th March, 1804.

The different Regiments and Corps of Militia will parade for annual Review and Inspection on such days as shall be appointed for that purpose by their respective Brigadier Generals. In making these appointments, the convenience of the Militia is to be consulted, and timely notice given to the Adjutant General and also to the Major Generals, that they may have an opportunity of being present.

To prevent the inconveniences occasioned by delays in making the returns, it is expected that in future the ordinary ones will be delivered to the Brigade Inspector on the day of Inspection, and that those of vacancies and other casualties, will be transmitted to the respective Brigadier Generals at an early period, thereafter, so that they may be completed and forwarded to the Adjutant General by the time prescribed for that purpose by Law.

The Commander in Chief embraces this opportunity as it is probably the last that will present itself, of expressing to the Militia the satisfaction which he has experienced from their attention to duty and Improvement in Military knowledge, and the

reliance he places on a continuation of their patriotic exertions to realize the expectations of their country, by rendering themselves its safe and formidable defence.

MORGAN LEWIS, GOVERNOR.

Adjutant General's Office, Headquarters, City of Albany, 8 Nov'r, 1804.

It having been requested of the Commander in Chief, that the establishment of a Troop of Horse to be annexed to the Regiment, commanded by Lieut. Col. Tabor Bentleys, of the Brigade commanded by Brigadier General James A. Barker, would conduce to the public Service; Ordered that such company be established, provided the Honorable the Council of Appointment shall think proper to appoint the necessary officers for such corps.

G. O.: Headquarters, City of Albany, 9th November, 1804.

It having been represented to the Commander in Chief that the Establishment of a Troop of Horse in the County of Essex will have a tendency to promote the Public Service, it is therefore ordered that a Troop of Horse be raised accordingly and annexed as soon as officered by the Council of Appointment to the Regiment commanded by Lieut. Col. Daniel Wright, in Brigadier General (Benjamin) Mooer's Brigade.

CHARGES AGAINST LIEUT. COL. WARREN FERRIS.

G. O.: City of Albany, February 5th, 1805.

Brigadier General David Thomas having made the following complaints on the 12th September, 1804, against Lieut. Col. Warren Ferris of his Brigade, vizt:

1st, For neglecting to make a return of Vacancies and other occurrences in the Regiment under his Command for the Year 1803, when at the same time there was an Ensign vacant in Captain John Stuart's Company, of the said Regiment and a Total want of officers in the flank companies;

2nd, For neglecting to make a return to the Brigadier General for two Years last past of the receipts and expenditures of the Money arising from fines collected in his said Regiment;

3d, For neglecting to make any disposition of the Money paid over to him of Fines collected in his said Regiment, when it appears by the certificate of Capt. Jonathan Wood, that he did as President of a Court Martial, pay over to him the said Lieut. Col. Ferris, in the Month of February, 1801, Eleven Dollars;

And 4th, For neglecting to attend the annual Review and Inspection of the said Regiment under his command on the 5th day of September Instant, without any reasonable excuse for such neglect.

The Commander in Chief has been pleased to Order that Lieut. Col. (Simeon) De Rider and Majors (James) Green and (Zephaniah) Kingsley form a board to enquire into the truth of the said charges, and that they cause the parties to be notified of the time and place of the meeting and that they make a report of the facts with their opinion thereon to the Adjutant General without delay.

ARTILLERY OF THE STATE CONSOLIDATED INTO ONE DIVISION.

G. O.: Headquarters, Albany, 27th March, 1805.

The Commander in Chief, conceiving an Organization of the Artillery, tending to introduce an uniformity of discipline and to excite emulation, by affording the same means of promotion to

the Officers attached to that service that exists in the Infantry, to be an essential ingredient in the Military establishment, orders and directs, that the various artillery Corps throughout the State be Consolidated into one Division to be commanded by Major General Ebenezer Stevens; That the said division be divided into three Brigades, to be denominated the first, second and third Brigades of Artillery;

That the first Brigade be Commanded by Brigadier General Jacob Morton, and consist of the first and second Regiments of Artillery in the city of New York and the Battalion to be commanded by Major John Ten Eyck; that the Regiment of Artillery commanded by Lieut. Col. Peter Curtenius in the city of New York be denominated the first Regiment of Artillery, and consist of two Battalions; the first to be commanded by Major John C. Ludlow as first Major of said Regiment and the second by Major James Manning as second Major of said Regiment. That the sixth Regiment of Infantry at present attached to Brigadier General (William) Boyd's Brigade be transferred to the first Brigade of Artillery to be denominated the second Regiment of Artillery and be commanded by Lieut. Col. John Swartwout; that said Regiment also consist of two Battalions, the first to be commanded by Major Lebbeus Loomis, as first Major of said Regiment, and the second by Major Francis Saltus, as second Major of said Regiment; that the Battalion commanded by Major John Ten Eyck consist of the several Brigade Artillery Companies at present attached to Boyd's (Nathaniel) Coles', and (Daniel) Delavan's Brigades of Infantry.

That the Second Brigade be commanded by Brigadier General James W. Wilkin and consist of the Third and fourth Regiments of Artillery; that the third Regiment be Commanded by Lieut.

Col. Charles Clinton and consist of two Battalions, the first composed of the Brigade Artillery companies at present attached to (Seth) Marvin's and (Joseph) Hasbrouck's Brigades of Infantry, to be commanded by Major David R. Bogart, as first Major of said Regiment, and the second composed of the Brigade Artillery companies at present attached to (Samuel A.) Barker's and (Theodorus) Bailey's Brigades of Infantry to be Commanded by Major Nathan Myers as second Major of said Regiment. That the fourth Regiment of Artillery be commanded by Lieut. Col. Stephen Thorn, and consist of two Battalions, the first composed of the Brigade Artillery companies at present attached to (Henry) Livingston's and (Jacob R.) Van Rensselaer's Brigades of Infantry to be commanded by Major Robert Jenkins as first Major of said Regiment, and the second composed of the Brigade Artillery companies at present attached to (David) Thomas's and (Benjamin) Mooer's Brigades of Infantry, to be commanded by Major Amos Potter, as second Major of said Regiment.

That the third Brigade be commanded by Brigadier General Peter Van Sluyck, and consist of the fifth and Sixth Regiments of Artillery. That the fifth Regiment be commanded by Lieut. Col. Henry R. Teller and consist of two Battalions, the first composed of the Brigade Artillery Companies at present attached to (David) McCarty's (John H.) Wendell's, and (Elias) Butler's Brigades of Infantry, to be commanded by Major Daniel Rathburn, as first Major of said Regiment, and the second composed of the Brigade Artillery companies at present attached to (Samuel) Clark's, (Abraham) Veeder's, and (James) Dana's Brigades of Infantry to be commanded by Major Peter C. Fox as second Major of said Regiment; that the Sixth Regiment be commanded by Lieut. Col. Joseph Kirkland, and consist of two Battalions, the first

composed of the Brigade Artillery companies at present attached to (Robert) Earl's, (Benjamin) Ledyard's, (Amos) Hall's, and (William) Whitney's Brigades of Infantry to be commanded by Major Samuel Sherwood, as first Major of said Regiment, and the second composed of the Brigade Artillery Companies at present attached to (George) Widrig's, (George) Doolittle's, (Jacob) Morris and (Benjamin) Jones's Brigades of Infantry, to be commanded by Major Joseph French as second Major of said Regiment.

By order of his Excellency, the Commander in Chief:

Sol. V. Rensselaer, Adjt. Gen'l.

NEW YORK CITY AND COUNTY OFFICERS.

Returns of the Names of the Field, Staff, and Officers, commanding companies in the Legion composed of the flank companies, of that part of General (William) Boyd's Brigade which comprehends the City and County of New York, 21st October, 1806.

Field and Staff: Gerard Steddiford, Lieut. Col; Edward W. Laight, 1st Major; William Paulding Jun'r, 2nd Major;

Joel Davis and Cornelius Bogart, Adjutants;

Benjamin Ferris, Quartermaster; Peter Stagg, Paymaster; John Gamage, Surgeon.

Commandants of Companies: Fourth do Clarkson Crolius,	
First Regiment, Francis Mc-	Fifth do Leonard Thorn,
Clure, Rifle Comp'y of	Edward Tylee,
Repub'n Greens.	Robert Kibley,

Companies of Infantry:	Seventh do Samuel Burtis,
Robert Swanton,	Jonathan Pinckney,
Second do Reuben Bunn,	Charles Christian.

AND THEY ARE ORGANIZED AS THE FIRST LIGHT INFANTRY.

G. O.:

Headquarters, &c.

The uniform companies of General Boyd's Brigade having solicited to be formed into a Regiment with the approbation of their Brigade Commander, it is Ordered that the said companies be accordingly formed into a Regiment to be denominated The First Light Infantry, and that the Field and Staff assigned by the said General are the field and staff of said Regiment.

JOHN FINK'S TROOP OF HORSE IN NEW YORK CITY AND ITS UNIFORM.

G. O.:

Headquarters, Albany, 3rd Sept., 1805.

Application having been made to the Commander in Chief by John Fink, and others who have raised a company of Horse in the City and County of New York to have the said Company Organized according to Law, it is Ordered, provisionally that the said Company be commanded by the said John Fink as Captain thereof, and that Joseph C. Bogart, be the first, and John Lovell, the second Lieutenants, thereof; That John Boscowan be Cornet and Cornelius W. Van Rantz, Quartermaster until the pleasure of the Council of Appointment shall be known.

It must be remembered that no privates can be taken from any other company without the consent of the officers commanding such company. The uniform of the Cavalry being left by Law to be fixed by the Commander in Chief, he directs that it consist for the Regimental Field and Staff and Troop Officers, of a short Green Coat, faced with black Velvet collars, cuffs and wings on the shoulders of the same, light buttons on the Lappelle, two on each side of the collar, three on the sleeve, and three on the skirt. The buttons to be small, yellow and of a conical form, the button holes and along the edges of the Coat (the bottom ex-

cepted) to be trimmed with gold Lace or yellow silk binding, the buttons and Epaulettes of the like colour, with buff Vest, buckskin Breeches and long black top't-boots.

This regulation not to effect such Troops as are already uniformed, until they shall find it convenient to provide themselves with new ones. All Regimental Brigade and Division returns are directed to be made previous to the meeting of the Legislature and to contain in a column for the purpose the date of each officer's Commission.

The Major and Brigadier Generals will give orders accordingly.
By order of his Excellency:

THE ANNUAL REVIEW AND INSPECTION FOR 1805.

Sir:—

Albany, 3rd September, 1805.

The Commander in Chief wishing to know from personal Inspection the actual state of the Militia as far as circumstances will admit, requests that you will parade for Review such portions of your Brigade as can be conveniently assembled together, on the .. day of next at such place as you shall deem most convenient. The Corps of Horse and Artillery within the limits of your Brigade, he also wishes may parade at the same time.

To General (Abraham) Veeder, 1 October.

General (George) Widrig	}
General (George) Doolittle	
General (John) Tillotson	
General (Isaac) Hall.	

G. O.:

Headquarters, Albany, 6th Sept., 1805.

The Commander in Chief directs the Brigadier Generals or officers commanding Brigades that they order the Regiments and

Corps under their Command to parade for the review and Inspection on such days as they may deem most convenient for the Militia to assemble for that purpose; the Brigade Inspection returns, and returns of vacancies are directed to be made previous to the meeting of the Legislature and to contain in the latter in a column for that purpose the date of each officer's commission. The officers commanding Brigades will give orders accordingly.

By order of his Excellency:

Sol. V. Rensselaer, Ad. G'l.

A NEW BRIGADE FOR ALBANY.

G. O.: Headquarters, Albany, April —, 1806.

The Commander in Chief having thought proper to form a new Brigade out of the Militia in the County of Albany at present commanded by Brigadier General Paul Todd, directs the Regiments commanded by Lieutenant Colonels (Gerritt W.) Van Schaick and (Jacob) Swits, and that part of Lieut. Col. (Lawrence) Schoolcraft's Regiment in the Town of Watervliet compose the New Brigade; and that a new Battalion be formed of that portion of the Militia taken from Lieut. Col. Schoolcraft's Regiment, and the part at present attached to Lieut. Col. Van Schaick's Regiment, in the Town of Watervliet.

By order of his Excellency:

Sol Van Rensselaer, Adj. Genl.

THE REVIEW FOR 1806.

G. O.: Headquarters, Albany, April 26th, 1806.

The Commander in Chief being desirous to ascertain by personal Inspection and review, the actual state of the Militia, requires that so many Regiments of Infantry companies of Artil-

lery and Cavalry, of Brigades hereinafter designated, as can conveniently assemble together, parade for the purpose of such Inspection and review on the following days: General (Aaron) Chamberlain's Brigade on the 12th; General (Siah) Robinson's Regiment in Rockland on the 20th; General (Thomas) Carpenter's Brigade on the 23d; General (Nathaniel) Coles's on the 26th; and General (Sylvester) Dering's on the 30th Days of June next; General (Jacob) Morton's Brigade of Artillery with so many of the Uniform Companies of General (William) Boyd's Brigade as can conveniently attend on the 4th day of July next, and the remainder of General Boyd's Brigade on the succeeding day; General (John B.) Van Wyck's Brigade on the 8th and General (Edmund) Per Lee's on the 10th days of July next; General (Samuel) Ten Broeck's on the 2nd; General (Hosea) Moffitt's on the 4th; General (Warren) Ferris's on the 6th; General (Samuel) Clark's on the 8th; General (Gerrit W.) Van Schaick's on the 11th; General (Paul) Todd's on the 13th; General (Freegift) Patchin's on the 15th; General (David) Bates's on the 17th; General (Benjamin) Jones's on the 20th and General (William) Whitney's on the 23rd days of September next.

Such of the Corps as do not attend on the days above appointed, will parade for the annual Review and Inspection at such other times as the Commanding officers of the Brigades, to which they respectively belong, shall assign. The officers commanding Brigades are strictly enjoined to make their returns of vacancies and the Names and Rank of the several officers, to the Adjutant General previous to the next session of the Legislature, in order that the Honorable the Council of Appointment may be enabled to fill the Vacancies at an early day of their meeting.

The several Brigade Inspectors are also required to forward

GOVERNOR LEWIS ORDERS OUT A BRIGADE FOR A REVIEW.

G. O.: Headquarters, Albany, 9th August, 1806.

When the Commander in Chief issued his orders for the review and Inspection of the Militia, averse from subjecting them to the inconvenience of assembling by Brigades when a scattering Population had placed the different Regiments and Corps composing them at a Considerable distance from each other, he left it in the discretion of the several Brigadiers to assemble such Troops as could with Convenience be got together; in the fullest confidence that such discretion would have been exercised in every instance in such a manner as to attain, as far as practicable, his declared object. He did not suppose it possible that the pride of the Soldier could in any Instance suffer him to resort to imaginary or factitious inconveniences to defeat the views of the Commander in Chief, and damp the military ardour he labours to inspire.

To review the whole Militia of the State by Regiments is a task the Commander in Chief could not possibly perform, in the space of three years, without neglecting his other official duties. He is therefore to assemble them in larger bodies.

Having had the Honor of serving with a considerable portion of the Militia of Columbia in the glorious northern campaign of the year 1777, the Commander in Chief cannot but believe, that the Sons of such sires, must possess the laudable desire of equalling, if not surpassing, their Brethren in arms. Under this Impression, and reflecting on the compact state of the Brigade commanded by Brigadier General Ten Broeck, where no soldier can have beyond seventeen or Eighteen Miles to march to the centre of the County, the Commander in Chief feels himself justified in ordering and accordingly does order, that Brigadier General Samuel Ten Broeck cause the whole of his Brigade with the Horse and

Artillery attached thereto to Assemble for review and Inspection at some central point of the County of Columbia, on the second day of September next and that he adopt the necessary measures for that purpose.

By order of his Excellency:

A NEW BATTALION ESTABLISHED FOR THE NORTHERN COUNTIES.

G. O.: Headquarters, Albany, 12th September, 1806.

Application having been made to his Excellency the Commander in Chief for the formation of a new Battalion of a part of the Militia, composed of Lieutenant Colonel (Thomas) Roger's Regiment, in General (Samuel) Clark's Brigade, and part of Major (Richardson) Thurman's Battalion, in General (Warren) Ferris's Brigade, directs that the following companies compose the said Battalion, viz.: Captains Daniel Church's, Ebenezer Brown's and Luke Fenton's of General Clark's; Captains Levi Scovil's and Theodorus Doty's companies of Major Thurman's Battalion, in General Ferris's Brigade, to be commanded by Major George Taylor and to be attached to General Clark's Brigade.

A DIVISION FOR WASHINGTON COUNTY.

G. O.: Headquarters, 17th February, 1807.

Application having been made to His Excellency the Commander in Chief, for a Division of the Brigade of Militia in the County of Washington, commanded by Brigadier General (Warren) Ferris, he directs that the Regiments commanded by Lieutenant Colonels (Solomon) Baker (excepting Captain (Nathan) Durkee's Company), and (Micajah) Pettit's and the Battalion in the Town of Thurman form the North Brigade under the

command of Brigadier-General Ferris and that the Regiments commanded by Lieutenant Colonels (Simeon) De Rider, (John) Gordon and (Caleb) Brown; and the whole Militia of the town of Argyle, consisting of Major (James) Green's Battalion and Captain Durkee's company of Lieutenant Colonel Pettit's Regiment, compose the South Brigade; Major John Mills and Captain Durkee with his company are in future to be attached to and do duty in Major Green's Battalion, which is hereby formed into a Regiment. That part of General Ferris's command of Militia in the Town of Thurman is to be Organized into a Regiment, and in future to do duty as such; he will therefore forward the necessary arrangements for that purpose. Brigadiers will forward without delay to the Adjutant General returns of the vacancies in those Brigades.

CHANGES IN THE CAVALRY ARM.

G. O.: Headquarters, Albany, 15th March, 1807.

The Commander in Chief, on the Recommendation of Brigadier General Jonas Platt, commanding the second Brigade of Cavalry of the State, orders the division of the first Squadron in the limits of the Fifth Division of Infantry in the following manner, viz: the Troops of Horse comprehended in the Counties of Oneida and Herkimer, to be denominated the 1st Squadron, and those of the Counties of Otsego, Chenango and Madison, the Third Squadron of the 5th Regiment, commanded by Lieutenant Colonel Henry McNeil. And further orders in the 4th Regiment, commanded by Lieutenant Colonel Electus Backus, that the Troops of Cavalry in the Counties of Saratoga and Montgomery compose the first Squadron, to be commanded by Major Eli Stone. Those

of the Counties of Schoharie, Greene and Delaware, to form the Second Squadron under the Orders of Major George Tiffany, and that a new Squadron be set off consisting of the Troops of Horse in the County of Albany, to be called the Third Squadron of the last mentioned Regiment to be commanded by such person as the Honorable the Council of Appointment shall appoint.

By order of his Excellency:

Sol Van Rensselaer, Adjut. Genl.

GENESIS OF THE SEVENTH REGIMENT.

THE OFFICIAL ORDER PROMULGATED BY GOVERNOR LEWIS, THAT
BROUGHT THE NOW FAMOUS REGIMENT INTO EXISTENCE.

G. O.: Headquarters, Albany, 5th April, 1807.

The Commander in Chief by virtue of an Act of the Legislature passed the 27th March, 1807, authorizing him to organize a third Regiment in the first Brigade of Artillery of the State, Orders that the Battalion under the Command of Major A. (Andrew) Sitcher be Organized into a Regiment and that measures be taken for that purpose without delay, by the proper Officers.

By order of his Excellency:

Sol. Van Rensselaer, Adjut. Genl.

GOVERNOR LEWIS PREPARES FOR THE ANNUAL REVIEW OF 1807, AND
BIDS FAREWELL TO THE MILITIA.

G. O.: Headquarters, City of Albany, June 4th, 1807.

The Commander in Chief submits to the Brigadier Generals or officers commanding Brigades, to order out the Regiments and

Corps under their Command, for Review and Inspection, on such days as they may deem most convenient for that purpose.

The lapse of a few days will put a final period to the connection subsisting between the Commander in Chief and the Militia of this State. An event so interesting to his feelings, he cannot suffer to occur, without a previous public acknowledgment of the satisfaction he has derived from the ready obedience to orders, the strict attention to duty and the increased military ardour, which he has discovered generally in his brother officers and soldiers, wherever he has had the honor of meeting them in arms; whether these effects, acknowledged by all, proceed from causes entitling him to any merit, he leaves to the Candour and Justice of the considerate and discerning part of his fellow citizens, satisfied that when calumny and detraction shall cease to operate, when an ardent desire to produce Military excitement shall be ascribed to its true motives, when the virulence of party spirit shall subside, and pure patriotism shall direct the elevation of men to office, a virtuous community will give him credit for his exertions at the least.

Believing it a position not to be contested, that an elective Government cannot long maintain itself against foreign aggression, or domestic usurpation, but, where every citizen is a soldier, the Commander in Chief earnestly advises the discountenancing every appearance of Military insubordination, and every disposition to a relaxation from the pursuit of Military Improvement. To this last advice he adds a fervent wish, that the Militia of this Country may so progress in the acquisition of the Military art, as to render standing armies forever unnecessary, and enable themselves by their own exertions to be the safeguards and protectors of the rights of freemen.

The Brigade Inspectors will forward their Inspection returns to the Adjutant General in due season, and should they require any Brigade blanks or other returns for the troops they will be delivered when called for.

By order of his Excellency:

Sol Van Rensselaer, Adj. Genl.

NEW DIVISION LINES.

G. O.: Headquarters, Albany, 4th June, 1807.

Ordered that the division line between the Regiment commanded by Col. Stephen Judd of General (Freegift) Patchin's Brigade and Colonel John Reynolds of Brown's Brigade be a line commencing at the North Corner of the Town of Blenheim, and running thence Eastward on the line of the town of Bristol two miles thence Southerly to strike the line of the County of Schoharie at a point two miles from the South East corner of said town of Blenheim;

Ordered further that a new Company be established in said Regiment by Col. (Stephen) Judd.

By order of his Excellency:

Sol Van Rensselaer, Adj'. Genl.

DANIEL D. TOMPKINS, GOVERNOR.

WAR WITH ENGLAND THREATENED AFTER THE CHESAPEAKE AFFAIR.

NEW YORK PROMPTLY SUPPLIES ITS QUOTA OF 100,000 MEN.

G. O.: Headquarters, Albany, 15th July, 1807.

By order of the President of the United States, the Commander in Chief is directed to take effectual measures to detach and organize into Companies, Battalions, Regiments, Brigades, and

divisions and hold in readiness to March at a moment's warning, twelve thousand seven hundred and four of the Militia of the State of New York, (being our Quota of 100,000 men) as nearly as practicable in the following proportions of Artillery, Cavalry, and Infantry, viz: one twentieth part Artillery, one tenth part Cavalry and the residue Infantry.

The Commander in Chief, therefore, directs that the said number of 12,704 Men be detached and furnished from the several divisions of Artillery, Cavalry and Infantry of this State in the following proportions: from Major General (Ebenezer) Stevens's division of Artillery, 730 men, including officers;

From Major General (Stephen) Van Rensselaër's division of Cavalry, 1270 men, including officers;

From the first division of Infantry, commanded by Major General Thomas Thomas 1617 men, including Officers;

From the second division of Infantry commanded by Major General (John) Hathorn, 1406 Men including Officers;

From the third division of Infantry commanded by Major General David Thomas, 1604 men, including officers;

From the fourth division of Infantry commanded by Major General (Peter) Gansevoort, (Jr.), 2104 men, including Officers;

From the fifth division of Infantry, commanded by Major General (Michael) Myers, 3973 men, including Officers; which respective numbers the several Major Generals are requested immediately to detach and furnish from their respective divisions and the same to Organize into companies, Battalions, and Regiments.

In the aforesaid Quota will be admitted a proportion of Riflemen duly Organized in distinct corps, not exceeding one tenth of the whole number required; and any Companies of Volunteers who previous to orders for taking the Field may tender their Services

according to the Second Section of the Act of Congress passed 18th day of April, 1806, Entitled "An Act authorizing a detachment from the Militia of the United States" or to an Act passed the 24th day of February, 1807, Entitled "An Act authorizing the President of the United States to accept the services of a number of Volunteer Companies, not exceeding Thirty thousand Men," considered according to their numbers part of the aforesaid Quota, and will be credited to the divisions to which they belong.

The interesting situation of our country and the Military ardour and patriotic zeal which are displayed by our fellow citizens, inspires the Commander in Chief with a confidence that a considerable portion, if not the whole of the Quota required, will consist of companies voluntarily and cheerfully tendering their services.

Immediately after the detachment and organization are effected the respective Corps will be exercised under the Officers who may command or may be assigned to command them, but will not remain imbodied or be considered in actual service until by subsequent orders they may be directed to take the Field.

The officers commanding Brigades will assign the most active and experienced captains and subalterns to command the detachments from their respective Brigades; and the officers so assigned will forthwith make returns to their commanding officers of the State of the Corps under their command.

The Brigadier Generals will make correct returns of the detachments from their Brigades to their Major Generals, who will transmit returns of the whole detachment from their division to the Commander in Chief in order that they may be arranged into Companies, Battalions, Regiments, and Brigades; the Major Generals will please to recommend Regimental and Brigade arrange-

ments for the detachments and assign to them meritorious Field and Staff Officers and the respective Commanders of divisions will also forthwith transmit to the Commander in Chief, correct Muster Rolls and inspection returns of the detached Corps belonging to their respective departments.

The Commander in Chief confides in the vigilance and Patriotism of the Major Generals and other officers of the Militia to cause these orders to be carried into prompt and speedy effect. And he also avails himself of this occasion earnestly to recommend, that all the Militia within their respective divisions be prepared and kept in readiness to take the Field whenever an emergency may require their being called into actual service.

The Commander in Chief cherishes a lively hope that the officers and soldiers of this State will feel an Emulation to display their Patriotism and abilities in Military arrangements and that the utmost dispatch will be exhibited in all their measures.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

CAPTAIN BERNARD BLOOM'S TROOP OF CAVALRY IN QUEENS COUNTY.

G. O.: Headquarters, Albany, 4th August, 1807.

A Volunteer troop of Cavalry having been formed in the County of Queens with the approbation of the Brigadier General and Colonel of Infantry within that County; the Commander in Chief orders that the said Troop consist of one captain, two lieutenants, one cornet, four Sergeants, four Corporals, one Farrier, one Sadler, one Trumpeter and Sixty four privates to be attached to Major General Van Rensselaer's division of Cavalry; that the said Corps be mounted, armed, accoutred and uniformed as Troopers, and that they may be officered, provisionally, in the

following manner until the pleasure of the Council of Appointment in the premises be known, viz.: Bernard Bloom, Captain; Cornelius Eldert, 1st Lieutenant; Andrew Rapplejie, Second Lieutenant; Jeronimus Rapplejie, Cornet.

By order of his Excellency:

Sol Van Rensselaer, Adj. Genl.

LOOKING FORWARD TO WAR WITH ENGLAND.

THE CHESAPEAKE-LEOPARD AFFAIR AROUSES THE PATRIOTISM OF
OUR PEOPLE.

G. O.: Headquarters, Albany 24th August, 1807.

His Excellency the Commander in Chief pursuant to orders recently received from the President of the United States, directs the commanding officers of Divisions and Brigades, within this State to encourage by all the means they possess, such Volunteer Associations as are contemplated and authorized by the Act of Congress passed the 24th day of February last.

The advantages which will result to the volunteers are so obvious that it is presumed, little need be said to enforce them; while on the one hand, the service will be rendered pleasant by the association of companions and acquaintances in the same corps, the probability of a selection from those Corps of officers for the regular army in the event of a war, presents on the other powerful inducements to active, intelligent and public spirited young men, to meet with promptitude the call of their country.

But when in connection with these advantages, it is considered that the peace of the United States appears to be menaced, the Commander in Chief cannot entertain a doubt, that the Militia of this State will be among the foremost to exhibit becoming proofs of Military ardour and patriotic zeal.

For the sake of uniformity as well as to ascertain the real state of the Volunteer Corps, and the Condition of their uniforms, arms and accoutrements of every kind, the commanding officers of Brigades are required to transmit without delay exact returns thereof to the Adjutant General.

The Major General of Artillery will cause the Field pieces appertaining to his division, with the implements thereunto belonging, to be forthwith Inspected and a correct return of their condition, the places where and the names of the officers to whose charge the same are confided, to be made to the Adjutant General.

It is strictly enjoined that in case any of the said field pieces or Implements shall upon such Inspection be found to be injured or rendered unfit for service by means of any neglect in the officers having charge thereof, the delinquent officers be punished for their omission of duty, and the custody of the Field pieces and implements be immediately transferred to Officers who are trustworthy, with a view that the public property may be preserved, and the necessary repairs made.

A return of those companies of Artillery who have not been supplied with Field pieces, must be forwarded without delay to the Adjutant General, designating precisely the number of officers, non-commissioned officers and Privates, who are uniformed and equipped according to Law, to the end that measures may be taken to furnish them.

The Major Generals will cause the rank of their respective Brigadier Generals to be ascertained and forwarded with the dates of their Commissions to the Adjutant General. The Adjutant General will furnish the necessary muster Rolls and other returns for the use of the Troops when called for.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

SERIOUS CHARGES AGAINST CAPTAIN DAVID FERRIS

Headquarters, Albany, 9th November, 1807.

Whereas Major Richard Ward, a commissioned officer in the Regiment of Militia of the County of Westchester, commanded by Lieutenant Colonel David J. Pell, hath made complaint in writing to the Commander in Chief against David Ferris, a Captain in the same Regiment, that the said David Ferris hath been guilty of improper and immoral conduct which is degrading to the said office of Captain, which he holds, and requesting the appointment of a Court of Inquiry to investigate the said conduct.

The Commander in Chief, therefore, upon the said request and pursuant to the Statute in such case made and provided, hereby orders and appoints a Court of Enquiry, to investigate the said conduct, which Court shall consist of the following officers of the before mentioned Regiment, viz: Elijah Valentine, John Van Wart, Benjamin Drake, John Tredwell and Samuel Lyon, Captains in the said Regiment, of which Court of Inquiry, Elijah Valentine is to be President, who will report the facts to the Commander in Chief according to the Statute in such case made and provided.

By order of the Commander in Chief:

J. W. Livingston,

Col. and A. D. C.

A COURT MARTIAL FOR QUARTERMASTER CHARLES BAKER.

G. O.: Headquarters, Albany, 17th November, 1807.

Whereas Colonel Charles Clinton, a commissioned officer in General (James W.) Wilkin's Brigade of Artillery, hath made complaint in writing against Charles Baker, Quartermaster of the Regiment of Artillery, commanded by the said Charles Clinton,

representing that the said Quartermaster has been guilty of improper conduct which is degrading to the office which he holds and requesting the appointment of a Court of Inquiry to investigate the said conduct, to wit:

First, that he is an habitual drunkard, and subject in his moments of intoxication to commit acts highly derogatory to the character of a Gentleman;

Secondly, that he did on the second of this Instant, write and cause to be sent to William Ross, a Captain in the same Regiment of Artillery, a challenge to a duel, without any proper or justifiable cause, which the said William Ross, by the advice of his friends very properly would not Notice, and

Lastly, in consequence of the refusal on the part of Wm. Ross to notice the said challenge, the said Charles Baker did on the fifth day of this Instant, at a time when the officers of the said Regiment were convened in the Village of New Burgh, by the express Order of the Commandant thereof, and when the said officers were in the exercise of the duties of their respective offices, write and cause to be put up in several places in the Public streets of the said Village an insulting and indecorous publication in the words following:

November 5th, 1807.

William Ross having some time past put in circulation some falsehoods with an intention to injure my character, and also having been called on by me to make reparation for the same, which he has neglected to do, I do therefore publish him to the world as a Poltroon, a coward and a liar.

Charles Baker.

The Commander in Chief does, therefore, pursuant to the Statute in such case made and provided, hereby direct, appoint and organize a Court of Inquiry to investigate the said improper conduct of the said Charles Baker, to consist of the following officers

of Colonel (Charles) Clinton's Regiment: Capt. (Samuel) Slee and Lieut. (Thomas J.) Oakley of Dutchess County; Capt. (John) Milligan of Ulster County; Lieut. (Daniel) Carpenter and Adjutant (Jacob) Dunning of Orange County; of which court Capt. Slee will be the President and will with all convenient speed report to the Commander in Chief, a statement of the facts investigated and ascertained by the Court.

By order of the Com'r in Chief:

PROCEEDINGS AGAINST CAPT. FERRIS SUSPENDED.

G. O.: Headquarters, Albany, November 28th, 1807.

Whereas by Orders of the ninth day of November Instant, a Court of Inquiry was instituted upon the Complaint of Major Richard Ward, to investigate certain improper Conduct alleged by him against Captain David Ferris and whereas the said Capt. David Ferris by his memorial presented to the Commander in Chief, verified by affidavit, hath represented that at the meeting of the said Court they required of the complaining officer a specification of the Charges of improper conduct, which the said complaining Officer proposed to prove before the said Court, against the said David Ferris, of which determination of the said Court the Commander in Chief approves. And whereas after the said decision of the said Court the said Major Ward did exhibit to the said Court, a written specification of the Charges or Complaints which he was desirous of proving before them, which Charges or Specification in the opinion of the Commander in Chief are irrelevant and too vague and indefinite; To the end, therefore, that a more precise and definite statement of the charges and improper conduct may be submitted to the said Court, in subsequent orders and the Proof and Testimony before

them may be limited and restricted to definite and specific charges of improper conduct;

The Commander in Chief hereby orders and directs, that the proceedings of the said Court of Inquiry be suspended and cease until such subsequent Orders are issued, and that the accusing officer as speedily as possible forward to the Commander in Chief, a precise statement of all the Charges and Complaints which he intends to prove or attempt to prove before the said Court.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj. Genl.

GOVERNOR TOMPKINS REBUKES DELINQUENT OFFICERS.

G. O.: Headquarters, Albany, 10th Decemb. 1807.

The Commander in Chief inspired with confidence that the Officers of the Militia of this State would feel great ambition to enable him to furnish with the utmost dispatch to the War Department a correct return of our Quota of the Detachment directed by General Orders of the President of the United States of the 6th of July last, has hitherto forbore to issue any orders which might intimate delinquency in any of the Military Officers of the State, or have a tendency to check the Ardor and Zeal manifested by every description of the Militia; he reflected upon the embarrassments which must necessarily result from a sparse population, the dispersed situation of the Officers through whose hands the returns were to pass and the novelty of the Duties which the Organization of the Detachment imposed. He has therefore in reply to the pressing request of the Secretary at War for a return of the Quota of this State suggested, as an

apology for the delay, those circumstances which might be supposed to have retarded the returns from various quarters, notwithstanding the most ardent desire of the Officers to have the detachment completed and Organized with the utmost expedition. But the lapse of time since the first General Orders upon this subject having been sufficient to enable the several officers with due diligence to have surmounted all the obstacles to an immediate compliance with the duties thereby enjoined, the Commander in Chief is under the painful necessity of announcing that further delay, beyond the indulgence allowed by this order cannot be tolerated; he therefore requires the Major and Brigadier Generals, within Ten days from the receipt hereof, to forward to the Adjutant General such returns as may have been made to them, with the names of the Officers if any, who have neglected to make them, to the end that the conduct of such officers may be forthwith investigated and their delinquency punished.

The returns received from Major General Stevens of the Artillery, and from Major General Thomas of the first division of Infantry, are incomplete. They will therefore within the period above limited transmit to the Adjutant General the materials for compleatly organizing the Detachments from their respective Divisions.

The Commander in Chief acknowledges and accepts, with sincere satisfaction the tender of the services of the "Albany Volunteers," commanded by Captain (Garrit) Bogart, which was accompanied with resolutions breathing a spirit of attachment to the Freedom, Independence and honor of their Country, and evincing a firm determination to support the same at every hazard. The Offer of the Services of the Company of Light Infantry at Sche

nectady, under the command of Capt. (George) Smith, has also been received, and is accepted with similar impressions. The returns of the above mentioned companies were made by Brigadier General (Gerrit W.) Van Schaick, with a promptitude and correctness which reflect upon him the highest credit as a Military Officer.

The tender of their services by Captain Bigelow, his subalterns and company, of the county of Otsego, has likewise been received and is accepted with great approbation of this patriotism; and of the promptitude of the officers of that company in communicating the offer to the Commander in Chief. He also accepts the voluntary services offered by the First Troop of Cavalry in the City of New York under the command of Captain (Cornelius) King in Major (James) Warner's squadron, transmitted by Brigadier General (Aquila) Giles, in the month of July last and highly approves the patriotic Spirit manifested by the members of that Troop at the meeting at which the tender of their services was unanimously agreed to.

And with like applause has been received and accepted the pledge of voluntary services by the Troop of Cavalry in Colonel John I. Van Rensselaer's Regiment by Captain (Robert) Perigo, (Jr.)

Captain Charles Christian having also communicated the offer of the voluntary service of the company in the City of New York under his command, the same is likewise accepted with equal thanks.

The services of the company of Artillery at Geneva, under the command of Capt. (Walter) Greive, and of the Troop of Cavalry in Albany County, commanded by Captain (Appollos) Moore, in Col. (Electus) Backus's Regiment were offered by them, and commu-

nicated by the respective commandants of said companies at a period, and in a manner which evinced the readiness of the persons composing them to defend the rights of their country, and the attention of their officers to military discipline.

The tender of the voluntary services of Captain (Henry) McHenry's Rifle Company and of Capt. (Howell) Bull's Company of Light Infantry in the Brigade under the command of General (George) McClure, has also been recently received and is accepted with the highest approbation of their patriotic conduct. The conduct of General McClure in forthwith forwarding correct Inspection returns of the two last mentioned companies, is noticed with great satisfaction. The Commander in Chief has received information from various sources, of the promptitude and zeal of the rest of the Militia, generally in voluntarily proffering their services and devoting themselves to the call of their beloved country, and laments that the returns afforded by such generous conduct have not been more speedily made, in an official manner. Those of the Quota returned from the Division of Artillery, and the first Division of Infantry, who compose part thereof by reason of a voluntary tender of their services, will please to accept the thanks and praise of the Commander in Chief for the patriotism thereby displayed.

The Commander in Chief cannot conceal his regret that occasion should exist at this late period for again calling on any of the officers for returns of the Quota from their respective Corps; but he assures them that the reputation of the State, and a conviction that it is his duty, have dictated the present orders and impose the necessity of requiring the remaining returns within the period of ten days from the receipt hereof; and he further announces to them, that after the expiration of that period, the

most rigid application of legal measures for the omission of Military duty will be resorted to.

The propriety of affording to the President and Congress information of the accurate State of the Militia of the United States, has produced from the Secretary at War, a renewal of the request, that the Commander in Chief will annually, in the month of December, transmit to that Department, correct Inspection returns of the Militia of this State.

That this duty may be immediately complied with, all officers, whose duty it may be to furnish Inspection returns, and who have not yet performed that duty for the Year 1807, are strictly enjoined forthwith to forward their returns to the Adjutant General. The General officers are requested to direct and enforce a prompt compliance with this Order.

By order of the Commander in Chief:

Sol Van Rensselaer, Aj. Genl.

THE GOVERNOR THANKS THE BAKER COURT MARTIAL.

Headquarters, Albany 19th December 1807.

The Court of Inquiry appointed to investigate certain charges of improper conduct alleged by Col. Charles Clinton against Charles Baker quartermaster of the Regiment commanded by the said Col. Clinton, having performed that duty with promptitude and reported the facts proved before the said Court in the above matter with a correctness which does them great honor;

The Commander in Chief hereby returns them sincere thanks for their faithful services and dissolves the said Court.

By order of the Commander in Chief.

Sol Van Rensselaer, Adj. Genl.

THE GOVERNOR PROCEEDS WITH DECISION.

MANIFESTATIONS OF TURBULENCE IN THE THIRD REGIMENT OF
ARTILLERY.

G. O.: Headquarters, Albany 21st December 1807.

It having been represented to His Excellency the Commander in Chief by Major Benjamin Aycrigg, that application had been made by him, first to Brigadier General (Jacob) Morton and afterwards to Major General E. (Ebenezer) Stevens, for the arrest of Major Charles Snowden of the 3rd Regiment of Artillery and that the necessary charges had been exhibited by him for that purpose, and that neither General Stevens or General Morton would pay any attention to them or order the arrest required;

The Commander in Chief therefore directs Brigadier General Jacob Morton to cause the arrest of Major Charles Snowden on the charges exhibited against him by Major Benjamin Aycrigg, and that Major General Ebenezer Stevens order a Court Martial for the purpose of investigating the said charges, to cause the officer arrested to be served with a copy thereof, and the parties to be notified of the time and place of the meeting of the said Court as the Law directs.

Charges:

1st, For disobedience of Brigade Orders of 21st September last.

2nd, For neglect of Duty in not acting upon said order of 21st September last;

3rd, For usurping the power of his superior officer, in issuing a Regimental order on the 15th of August last, directing a legal Meeting of the Officers of the 3rd Regiment on the 18th of the same Month;

4th, For improper conduct at said meeting in ordering his Superior officer under arrest;

5th, For neglect of Duty in not furnishing Major Aycrigg the officer so arrested with a copy of the charges agreeable to Law;

6th, For Ignorance of Duty and Malicious conduct, in Ordering the above mentioned officer under arrest a second time for the same pretended offence, and endeavouring to injure his reputation as an officer by publishing it in Regimental orders;

7th, For Unofficer and ungentlemanlike conduct in abusing the officers under his command on the parades of the 23rd June and 4th of July last, thereby disgracing himself and reflecting much of disgrace on the Corps.

By order of His Excellency:

Sol. Van Rensselaer, Adj. General.

VERY SERIOUS CHARGES PREFERRED AGAINST CAPT. DAVID FERRIS.

G. O.: Headquarters, Albany, 22nd December 1807.

Whereas pursuant to General Orders of the 28th day of November last past, the Court of Inquiry appointed to Investigate the conduct of Captain David Ferris, hath suspended its proceedings and Major Richard Ward, upon whose complaint the said Court of Inquiry was instituted, having, pursuant to the said orders, specified to the Commander in Chief the following charges against the said David Ferris, viz:

1st, That the said David Ferris in the month of September, 1801, at Westchester, sold to one Benjamin Williams, four Geese, as the property of him, the said David Ferris, and converted the proceeds thereof to his own use, altho he then was conscious and knew that the said Geese, had been stolen by a Negro slave of him, the said David;

2nd, That the said David Ferris, in the year 1801 at Westchester aforesaid, fraudulently and dishonestly stole, carried to New York, and sold Twelve Ducks, the property of John Gillespie;

3rd, That the said David received and sold the property mentioned in the last charge, knowing the same to have been stolen;

4th, For having feloniously taken and carried away at Westchester, aforesaid, in the latter part of the year 1805, Ten Turkies the property of George D. Cooper; and that he received and sold the said Turkies, knowing the same to have been stolen from the said George D. Cooper;

5th, That the said David Ferris in the Fall of the year 1806 at Westchester, aforesaid, did steal and carry away the ropes of a Fish net, the property of Alfred Livingston;

6th, That the said David Ferris, at Westchester aforesaid, in the fall of the year 1797, did steal from Gilbert Lewis, a certain Sow, the property of the said Gilbert Lewis;

7th, That the said David Ferris, on the Twenty second day of November, 1807, at Westchester, aforesaid, fraudulently, deceitfully and dishonestly claimed and kept Three Geese the property of one Baisely, and against the consent of the said Baisley, he, the said David Ferris, well knowing that the said Geese were the property of the said Baisley;

8th, That the said David Ferris in the fall of the year 1805, at Westchester aforesaid did steal and carry away Ten Geese, the property of Stephen B. Hoffman;

9th, That the said David Ferris was President of a Regimental Court Martial, held at Armstrong's Tavern, in the Town of East Chester, the latter part of the year 1805, and did at the said Court deny his own handwriting and signature to a discharge of Alfred Livingston from Military duty, which said denial was

malicious, and for the purpose of subjecting the said Alfred Livingston to a fine for not attending a Military parade, he the said David, when he so denied his signature to the said discharge, being conscious and well knowing the same was his handwriting all which was unprincipled and dishonorable, and contrary to the dignity and integrity of a President and member of a Court Martial;

10th, That the said David Ferris returned the said Alfred Livingston, as a delinquent Member of his company, to the said Court Martial, contrary to his duty as an officer and from motives of personal resentment against the said Alfred, and that he so returned the said Alfred, and denied his signature to his discharge from Military duty before the aforesaid Court, wilfully and for the purpose of vexing, harrassing and oppressing the said Alfred, and from malicious and dishonorable motives;

11th, That at a Regimental Court Martial held at the house of Philemon Fowler, in the Town of East Chester, in the month of December 1806, he the said David, returned the said Alfred Livingston as a Member of his company of Militia, and a delinquent for the purpose of having him fined, altho he knew the said Alfred was excused from Military Duty by a discharge, signed by him the said David Ferris, and the said David Ferris attended at the said Court Martial, and then and there abused, insulted and indecorously treated his brother officers, members of the said Court, and behaved towards them in an indecent and highly unbecoming manner;

12th, That the said David Ferris, when setting (?) as President of the Court Martial held at Armstrong's Tavern, mentioned in the Ninth Charge, habitually conducted with levity and indecorum, both towards the other Members of the said Court, and

the persons who attended the said Court Martial on business and frequently entered, indecently into altercations, quarrels, and disputes with persons who attended the said Court; and particularly with the said Alfred and used indecent, abusive and insulting language towards them, and particularly the said Alfred, and permitted the said Alfred, then and there to call him, the said David Ferris a thief, whilst setting (?) as such President; all which was degrading to the office, which he held, contrary to the dignity and importance of his office, disrespectful to the other members of the said Court; subversive of good order; and improper, humiliating and degrading to his brother officers;

13th, That the said David Ferris, is habitually addicted to levity, rudeness and indecorum, and to being noisy and quarrelsome, on public occasions, and is on such public occasions habitually rude, vulgar, and profane in his language, conversation and deportment, thereby improperly degrading the dignity of his office, and wounding the pride and feelings of the other officers of the Regiment to which he belongs.

Richard Ward.

The Commander in Chief therefore, hereby authorizes, the said Court of Inquiry, to proceed in the Investigation of the above Charges, and orders that a Copy of the said Charges and of this Order, together with Notice of the time and place of meeting of the said Court to investigate the same, be served on the said David Ferris six days at least, before the time of such meeting.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

MORE TROUBLE IN THE THIRD ARTILLERY.

GENERAL JACOB MORTON ORDERED IN ARREST, ON CHARGES PRE-
FERRED BY LIEUT. COL. ANDREW SITCHER.

G. O.: Headquarters, Albany, 2nd February, 1808.

Application having been made to his Excellency the Commander in Chief by Lieutenant Col. Andrew Sitcher, of the first Brigade of Artillery for the arrest of Brigadier General Jacob Morton Commander thereof, on the Charges hereunto annexed, and for the appointment of a Court Martial to investigate the said Charges;

The Commander in Chief, therefore, directs Major General Ebenezer Stevens to cause Brigadier General Jacob Morton to be arrested on the charges exhibited against him by Lieut. Col. Andrew Sitcher, and to furnish him with a copy thereof, within the time prescribed by Law; and further orders a Court Martial consisting of Brigadier General (Aquila) Giles, who will preside, and Lieut. Col's. (Libbeus) Loomis, (Jacob La) Montagnie, (Richard) Dodge, (Edward) Laight, (Jonas) Mapes, (Peter) Van Zandt, and (David R.) Bogart of New York, (Jeremiah) Johnson of Kings, (John A.) Ditmas of Queens, (Pierre) Van Cortlandt and (William) Vail, of Westchester and (Charles) Clinton of the Artillery, of Orange, as Members, to assemble in the City of New York on the Twenty third day of February, Instant, for the purpose of investigating the said charges, and to give the parties Notice of the time and place of the meeting of the said Court and to transmit the proceedings thereof, to the Commander in Chief without delay.

Major General Stevens will notify the members of the said Court of their appointment and the time and place designed for their meeting.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

Copy of the Charges.

New York, October 15th, 1807.

Copy of the Charges exhibited against Brigadier General Jacob Morton, by Lieutenant Col. Sitcher:

1st, For improper conduct when presiding at a Court Martial, for the trial of Major Andrew Sitcher in the month of June, last, in drinking spirituous Liquors and suffering the same to be drank by the Members of the Court at the sitting thereof, to the interruption of the proceedings, thereby violating the dignity of said Court, and thus introducing disorder and reflecting disgrace on the same;

2nd, For Unofficer like conduct, contrary to his duty as Presiding Officer of the said Court, in suffering or encouraging disgraceful levity during the examination of Witnesses;

3rd, For neglect of duty, as such presiding officer in not exercising his authority to endeavor to prevent and cause such levity to cease;

4th, For wilful neglect of duty, in not causing the Brigade Orders issued by him since the 18th of June last, to be delivered to Lieutenant Colonel Andrew Sitcher the Commander of the said Regiment of his Brigade;

5th, For maliciously and with a View to injure the feelings of the said Lieut. Col. Andrew Sitcher, and in fact deprive him of the command illegally, directing that no such orders should be delivered to him;

6th, For ignorance of duty in making an improper addition of four companies to the Third Regiment of his Brigade, and by forming all the companies in the City of New York, Eight in Number, composing the said Regiment into one Battalion, under the command of Major (Charles) Snowden and four companies on

Long Island and in Westchester County, out of said city, and not officered in or intended to belong, to said Regiment into another Battalion, under the command of Major Benjamin Ayerigg;

7th, For depriving Major Benjamin Ayerigg of a command in the City of New York illegally by the said addition;

8th, For making an unfair and improper division of the said Regiment, with the intent, wilfully to deprive Major Benjamin Ayerigg of his legal command in the City of New York, for which he was appointed Major.

A. Sitcher, Lieut. Col.,

Command't of the 3rd Reg't of Artil'y.

A TROOP OF CAVALRY FOR COLUMBIA COUNTY.

G. O.: Headquarters, Albany, 28th December, 1807.

Whereas it has been represented that it would be convenient and of public utility, to have two companies of Cavalry, organized in the County of Columbia, one thereof in Col. (John I.) Van Rensselaer's Regiment and the other in Col. (Peter J.) Vosburgh's, and whereas it has also been represented that a company hath already been raised in Col. Van Rensselaer's Regiment, consisting of upwards of fifty men, most of whom are already equipped, and the equipments for the residue are nearly completed, and, whereas the Commander in Chief has taken measures to have any objections which might exist against the organization of the said company and the appointment of the officers chosen by them, laid before him and no satisfactory objections having been presented, the Commander in Chief hereby organizes the said Company of Cavalry, and appoints Reuben Ranney, Captain; Robert H. Van Rensselaer, Lieutenant; John P. Mesick, Second Lieutenant; and Calvin Loring, Cornet, until the pleasure of the Council of Ap-

pointment in the premises be known; which company shall belong to Col. John I. Van Rensselaer's Regiment of Cavalry and to the Squadron Commanded by Major (John) Whiting, and shall parade for annual Inspection in Col. Jacob R. Van Rensselaer's Regiment of Infantry in General (Samuel) Ten Broeck's Brigade of Infantry.

By order of Excellency:

Sol Van Rensselaer, Adjut. Genl.

CHARGES PREFERRED AGAINST LIEUT. COL. PELL.

G. O.: Headquarters, Albany, 16th Feby., 1808.

Application having been made to His Excellency, the Commander in Chief by Major Richard Ward of General (Thomas) Carpenter's Brigade of Militia in the County of Westchester for a Court of Inquiry into the conduct of Lieut. Col. David J. Pell on the following charges, viz:

1st, That the aforesaid Lieut. Col. David J. Pell, did in manner following treat this complaint in an unofficer and ungentleman-like manner, to wit: In a public store in the presence of a Number of Citizens in New Rochelle, in the County aforesaid, some time in the Month of November last past, by charging the aforesaid Major Ward with crimes and Offences which would justify an arrest; the said Lieutenant Col. Pell did not then, nor at any time since arrest, or furnish as the Law requires, the said Major Ward with a written charge of any Crimes or Offences, thereby degrading him in the estimation of his fellow citizens without affording him the means of defence;

2nd, That the said Lieut. Col. Pell indulges in inebriety and habitual drunkenness, degrading to the office which he holds and injurious to the feelings of his brother officers;

The first Charge here adduced is not of sufficient weight to justify a Court of Inquiry to take any notice of it, and therefore is dismissed.

On the second Charge a Court of Inquiry is appointed, consisting of Lieut. Col's (Pierre) Van Cortlandt, (William) Vail, and (Joseph) Benedict of the Westchester Brigade, Lieutenant Col. (Peter) Van Zandt of the New York brigade of Infantry and of Major (Jackson) Odel of the Westchester Squadron of Cavalry, and will meet at such time and place as the Major Gen'l. of the first Division of Infantry shall direct and will report their proceedings to the Commander in Chief without delay.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

CAPTAIN NATHAN MONGER ON TRIAL.

G. O.: Headquarters, Albany, 16th Feby., 1808.

Complaint having been made by Captains Solomon Buck, Ephriam Luce and Oliver Bush against Captain Nathan Monger of Lieutenant Col. (Oliver) Collin's Regiment in General (Walter) Martin's Brigade, and a Court of Inquiry requested to investigate the conduct of the said Captain Monger on the Charges following, viz:

* * * * *

The Commander in Chief, therefore Orders, that Lieut. Col. Paul Stickney, Major Luke Winchell and Captain Gideon Shepherd, compose the said Court, that they meet at such time and place as Brigadier General Martin shall direct, to give the parties Notice of such meeting and report the facts to the Commander in Chief without delay.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

ANOTHER OFFICER ACCUSED OF EXCESSIVE TIPPLING.

G. O.: Headquarters, Albany, 16th February, 1808.

Application having been made to His Excellency, the Commander in Chief, by Lieutenant Col. Asa Ransom, Major Timothy S. Hopkins and Captain George Gardner, of Brigadier General (Alexander) Rea's Brigade for a Court of Inquiry into the conduct of Major Sylvanus Mabee, on the following charges, viz:

1st, For disobedience of Orders and ungentlemanlike conduct at Officers' meetings;

2nd, For his uniform habit of making too great use of ardent spirits and fomenting quarrels on Military days.

The Commander in Chief therefore Orders that compose such Court, that they meet at such time and place as Gen'l. Rea shall direct, that they give the parties notice of such meeting and report the facts without delay.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

SETTLING DISPUTED RANK.

G. O.: Headquarters, Albany, 23rd February, 1808.

The Commander in Chief directs that a Board of Officers, consisting of Major General (Peter) Gansevoort, Brigadiers General (Gerrit W.) Van Schaick, (James W.) Wilkin and (Alexander) Rea and Lieutenant Col. (Henry) McNeil, assemble at Lewis's City Tavern, on Friday the 26th Instant, at 3 o'clock P. M. to ascertain the disputed Rank of certain Officers in Lieutenant Col. (Adam) Yates's Regiment, in General (Hosea) Moffitt's Brigade; and that they report their decision to the Commander in Chief without delay. Lieut. Col. Yates will order such of his officers as have

pretensions, to appear before this board, with their Commissions and to exhibit their claims to the end that a final adjustment may take place.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

GENERAL MORTON'S COURT MARTIAL.

G. O.: Headquarters, Albany, 25 February 1808.

The Commander in Chief directs in the event of the non-attendance of Lieut. Col. Van Cortlandt as a Member of the Court Martial ordered for the Trial of Brigadier General Morton, that Major General Stevens select and order either Lieut. Col. (Jacob S.) Jackson of Queens County, or Major (Joseph) Perine, of Richmond to supply the place of the Vacant Member, and to Order the attendance of the members of the said Court at such time and place as he may deem expedient.

G. O.: Headquarters, Albany, 14th March, 1808.

In the event of the non-attendance of any of the Members of the Court Martial ordered for the trial of Brigadier General Jacob Morton, who stands adjourned to the 21st Instant, the Commander in Chief directs Major General Stevens to supply the seats of the Vacant Members, by selecting and Ordering the attendance of such Officers as he in his discretion may deem proper for that purpose.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

A BATTALION OF RIFLEMEN ORGANIZED.

G. O.: Headquarters, Albany, 26 Decemb. 1807.

It having been represented by Brigadier General (Gerard) Stediford and Col. Edward W. Laight that the Company of Infan-

try commanded by Capt. Francis McClure, in the Regiment commanded by Col. Laight, are desirous of becoming a Corps of Riflemen and are too numerous to be exercised as a Company, and the Officers before mentioned at the request of the Officers and Privates of the said Company, having desired the Commander in Chief to organize the said Company into a Battalion of Riflemen;

The Commander in Chief, therefore, conceiving the said request reasonable and that a compliance therewith will be attended with beneficial consequences by encouraging a laudable zeal to promote the establishment of Rifle Corps in this State hereby Orders, that the said Company of Light Infantry, commanded by Capt. Francis McClure, be and are hereby organized into a Battalion to equip themselves forthwith as Riflemen, and further directs that Francis McClure take the command of said Battalion as Major;

That Dan'l Fisher, Thomas McKittrick, John Morrison and David Andrews be Captains;

Robert Blakely, Joseph Tate, James Farrell and David Logan be Lieutenants;

And that Hugh Walker, Robert Dillon, Patrick Lunny, and Charles Eagleson be Ensigns, in the said Battalion until further orders or appointments. And the Commander in Chief further directs that the said Battalion of Riflemen, until further orders be annexed to Col. Laight's Regiment of Infantry; and that Col. Laight apportion and assign the companies and the respective officers above mentioned in the said Battalion, and report to the Commander in Chief, on or before the first day of March next, the number, state of equipments, &c., of the said Battalion, to the end that the Officers appointed by these orders or so many of

them as may be judged proper by the Council of Appointment may be appointed and commissioned as officers of a Battalion of Riflemen.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

FLYING ARTILLERY FOR ONONDAGA COUNTY.

G. O.: Headquarters, Albany, 16th January, 1808.

An application of Sylvanus Tousley and forty nine others, offering to Uniform and equip themselves as a Company of Horse or Flying Artillery within the Brigade of Militia in the County of Onondaga, whereof James Knapp is Brigadier General, having been presented to the Commander in Chief, and he being thereby satisfied that at least Forty nine Men including Officers are ready and willing to equip themselves agreeably to Law, hereby Orders and directs that the said Company of Flying or Horse Artillery be Organized accordingly, of which Company Sylvanus Tousley is to be the Captain; John James, first Lieutenant, and Simon D. Wattles, second Lieutenant, who are to be recognized, obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

The Commander in Chief further directs that the said Company shall be equipped with Horses, Pistols, sword and other Equipments of Cavalry, and that the uniform of said Company be the same as that of Captain (Joseph O.) Bogart's Company of Flying or Horse Artillery in the City of New York.

And it is further directed that the said Company shall parade for Exercise and Improvement and to perform the duties appertaining to the Corps, four times in each year, and in addition thereto, once in each Year with the Artillery, for annual review,

under and pursuant to the Orders of the Brigadier General of the third Brigade of Artillery.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

REARRANGING THE MILITIA IN MONTGOMERY COUNTY.

G. O.: Headquarters, Albany, 6th April, 1808.

The Commander in Chief, having duly considered the petitions of Sundry Officers of the Regiment of Militia, in the County of Montgomery, Commanded by Lieut. Col. Andrew Gray, praying a Division of the said Regiment, and conceiving the same reasonable and proper, hereby directs, that a Battalion be and is hereby set off from the said Regiment, which Battalion shall include the Towns of Stratford, Salisbury, and such part of Mannheim as now forms the Company under the Command of Captain Zalmon Gilbert, and that the residue of the said Regiment, not comprehended in the above limits, remain a Regiment under the command of Lieut. Col. Gray. Captain James Clapp will take the command of the said Battalion and will be commissioned as Major for that purpose by the Council of Appointment, and the said Commandant is required, before the first day of June next, to furnish the Adjutant General with a full return of the names of all the officers within the limits of the said Battalion and of the offices held by them respectively, and of the Vacancies and persons entitled to promotion, to the end that all officers within the said limits may be appointed as officers in the Battalion, with rank from the dates of their respective Regimental Commissions respectively.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

GENERAL MORTON ACQUITTED BY COURT MARTIAL.

G. O.: Headquarters, Albany, 12th April 1808.

The Commander in Chief having ordered an arrest of Brigadier General Jacob Morton, and appointed a Court Martial for his Trial, upon certain charges exhibited against him by Lieut. Col. Andrew Sitcher, and the proceedings and sentence of the said Court Martial signed by the President thereof, having been delivered to the Commander in Chief according to Law, on the Sixth day of April Instant, by which said proceedings and sentence, it appears that the said Court Martial have ordered, determined, and adjudged that Brigadier General Jacob Morton is not guilty of any of the charges so preferred against him, and have acquitted him of all and every of the said charges with the highest honor:

The Commander in Chief thereupon, hereby approves the said sentence of the said Court Martial and dissolves the same. Brigadier General Jacob Morton is hereby honorably discharged from the said arrest and required to resume his command, of the first Brigade of Artillery, of this State.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

G. O.: Headquarters, New York, 12th May, 1808.

It having been represented by Lieut. Col. (Libbeus) Loomis, that in the second Regiment of the first Brigade of Artillery the Company whereof James D. Wallace is Commandant, is destitute of an officer capable of taking the command and charge at the parades of said Regiment, which will take place previous to the next meeting of the Council, and it appearing proper that some suitable person should be assigned for that purpose until the

pleasure of the Council of Appointment may be known in the premises:

The Commander in Chief therefore, hereby directs Brigadier General Morton to assign by orders, some suitable person to take charge and act as Commander of said Company until the 15th day of June next.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

MORE TROUBLE IN THE THIRD REGIMENT OF ARTILLERY.

G. O.: Headquarters, New York, 18th May, 1808.

It having been represented to the Commander in Chief, that there exists a controversy respecting the rank of the Captains and Lieutenants of the Third Regiment of Artillery, who are commissioned therein in the City of New York, a board of Officers is therefore, hereby appointed, to settle the rank of the said Officers, to consist of Brigadier General (Gerard) Steddiford, Col. Peter Curtenius, and Col. Jacob DeLamontagnie, who will meet for that purpose at such time and place as they shall deem convenient and proper;

And it is further Ordered that notice of the time and place of the meeting of the said board of Officers be given to the several Officers between whom there is a Controversy about rank.

By order of the Commander in Chief:

J. W. Livingston, Col. and Aide-de-Camp.

New York, 8th September, 1808.

Pursuant to General orders of the 18th May last, which directed a board of officers to set (?) in the City of New York, in order to settle a Controversy respecting rank of the Captains and Lieutenants of the Third regiment of Artillery who are com-

missioned therein, Brigadier General Steddiford and Col. Peter Curtenius and Col. Jacob De Lamontagnie Members, the board being formed and proceeded to business, are decided in their opinion that the Captains and Lieutenants, that formerly belonged to the Brigade of Infantry, and now commissioned in the Third Regiment of Artillery, are not entitled to any rank from their Infantry commissions. It did not appear to us that any regular transfer had been made of those officers to the third Regiment of Artillery.

All of which is respectfully submitted.

Gerrard Steddiford, Brig'r Gen'l.

Jacob De Lamontagnie, Lieut. Col.

His Excellency, the Commander in Chief.

ARRANGING FOR MORE RIFLEMEN.

Headquarters, Albany, 21st June, 1808.

The Commander in Chief, by Virtue of an Act passed the last session of the Legislature, authorizing him to form a Battalion of Riflemen, in each Brigade of Infantry, orders, that the Company lately commanded by Captain (Francis) McClure, in General Steddiford's brigade, be organized into a Battalion of Riflemen, and to be commanded by Major McClure who is commissioned for that purpose. General Steddiford will give the necessary Orders to this effect, and it is hoped will promote the Establishment of this useful Corps.

The first Regiment of Light Infantry, excepting that portion of it organized into a Rifle Corps, is transferred to an ordinary beat Regiment. General Steddiford will assign a suitable portion or district of the beats of the other Regiments, to this Regiment, and fix and regulate the beats of the other Regiments, as far as

such assignment for the six Regiments renders it necessary and proper, the result of which he will communicate to the Adjutant General.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

MORE FLYING ARTILLERY.

Headquarters, New York, 30th June, 1808.

Pursuant to an Act of the Legislature, passed the last session entitled "An Act to further amend the Laws respecting the Militia of this State, passed the third day of April, 1808," the Commander in Chief of the said State, deeming it necessary and expedient, to organize in the first brigade of Artillery, of the said State, one company of Flying or Horse Artillery, and being satisfied that at least fifty Men, including Officers, are ready and willing to equip themselves, agreeably to Law under the Command of the officers hereafter mentioned, does hereby organize such Company and orders, directs, and appoints, that Joseph O. Bogart of the City of New York be captain of the said Company, John Lovell of the same place, first Lieutenant, John Boscowan of the same place, second Lieutenant and John Graff Cornet; and he further Orders and directs, that the Uniform of the said company continue the same as it heretofore has been under Captain John Fink.

By order of the Commander in Chief:

John W. Livingston, Lt. Col. and Aide-De-Camp.

Headquarters, New York, July 1st, 1808.

Organized a company of Flying Artillery to be commanded by William Wallace, Captain; Benjamin W. Rogers, 1st Lieutenant William Craig, 2nd Do; Robert L. Patterson, Cornet.

General orders as above.

PROMOTIONS.

Headquarters, New York, 1st July, 1808.

Lieutenant Col. Curtenius, of the first Brigade of Artillery having represented that there is a vacancy for one Second Lieutenant, and for Quartermaster, in his Regiment, and having desired the following persons to be appointed, the Commander in Chief therefore, hereby orders and directs, that Daniel Baeh act as and perform the duties of Second Lieutenant in the said Regiment, and be respected and obeyed accordingly, and that Caleb Hopkins act as and perform the duties of Quartermaster of said Regiment, and be respected and obeyed accordingly, until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and A.-D.-Camp.

Headquarters, New York, July 2nd, 1808.

It having been represented that there is a Vacancy for second Lieutenant in the Third Regiment of Artillery, of the first Brigade and that Mr. Edward Rockwell was intended to be returned and commissioned as such, but that on account of some mistake or omission he has not been returned, or if returned has not been commissioned;

The Commander in Chief therefore, hereby orders and directs that the said Edward Rockwell be assigned as Second Lieutenant in the said Regiment, and be respected and obeyed as such until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

COL. GOODSPEED'S REGIMENT SHIFTED.

G. O.: Headquarters, New York, 13th July, 1808.

It having been represented to the Commander in Chief that it would greatly accommodate the officers and soldiers of the Regiment, commanded by Col. (Luke) Goodspeed in the Brigade of Militia, whereof Alexander Rhea (Rea) Esq'r is Brigadier General, and would not counteract the wishes either of Gen'l. Rea or of General (George) McClure, if the said Regiment commanded by Col. Goodspeed, were detached from General Rhea's Brigade, and annexed to General McClure's;

The Commander in Chief therefore hereby orders, that the said Regiment henceforth until further orders, be separated from General Rea's Brigade, and be annexed to the Brigade whereof George McClure Esq. of the County of Steuben, is Brigadier General, and the officers and soldiers of the said Regiment, are commanded to obey and respect him as their Brigadier General accordingly;

And it is further directed that General Alexander Rhea and also the Field officers of said Goodspeed's Regiment, be severally notified without delay of this order and that General McClure cause such notice to be given.

By order of the Commander in Chief:

John W. Livingston, Col. and A.-D.-Camp.

A NEW ARTILLERY COMPANY FOR NEW YORK CITY.

G. O.: Headquarters, New York, 13th July, 1808.

It having been represented unto me that a company of Artillery in the City of New York has associated together and are ready to equip themselves if they can be organized as a company, and the Commander in. Chief deeming it of public importance to encourage Volunteer Corps of Young men, hereby organizes the

said company, and directs that John Delafield Jun'r take the command thereof, as Captain, Augustus Herring, as first Lieutenant and John Alsop King, as second Lieutenant, thereof, and that the said company when uniformed and equipped be attached to a Battalion of Artillery in the first Brigade about to be organized, consisting of Captains of Artillery in Kings, Suffolk and Westchester Counties and the above Company hereby organized are to be attached to the first Brigade of Artillery of this State.

PROMOTIONS.

G. O.: Headquarters, New York, 13th July, 1808.

Whereas David Crocheron was returned as Adjutant for the Regiment of Militia in Richmond County, by the Commandant of said Regiment, but his name was either omitted in the Brigade returns, or if contained in that return, he was not appointed by mistake of the Council of Appointment;

The Commander in Chief therefore hereby appoints, the said David Crocheron, to be Adjutant of the said Regiment, and to be respected and obeyed accordingly, until the pleasure of the Council of Appointment in the premises be known.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

G. O.: Headquarters, New York, July 14th, 1808.

Thomas McKettrick having been returned to the Council of Appointment for the appointment of captain, and on account of some mistake or accident not having received his commission as such;

The Commander in Chief, therefore, hereby appoints and assign him a Captain in Major McClure's Battalion of Riflemen and

orders and directs that the said Thomas McKittrick be obeyed and respected accordingly, until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

John W. Livingston, Col. and A.-D.-Camp.

G. O.: Headquarters, New York, 20th July, 1808.

It having been represented that Gilbert Haight, Andrew Braman and George W. Brown were intended to be included in the return of vacancies and promotions, for the Third Regiment of Artillery, in the first Brigade of this State, for the offices of second Lieutenants respectively, but that by some mistake or inadvertence, they were not so returned and accordingly not appointed;

The Commander in Chief therefore hereby appoints, the said Gilbert Haight, Andrew Braman, and George W. Brown, second Lieutenants in the said Regiment, and they are directed to be respected and obeyed accordingly, until the pleasure of the Council of Appointment in this respect be made known.

And it is further ordered and directed that the several persons above named, be assigned to, and act as second Lieutenants of the Companies to which they have respectively been attached, and in which they have severally acted in that capacity.

By order of the Commander in Chief:

G. O.: Headquarters, New York, 10th Aug'st, 1808.

There having been no assignment of Lieutenant Colonel of the Fourth Regiment in Brigadier General Steddiford's Brigade, the Commander in Chief directs that Lieutenant Col. Jasper Ward, heretofore attached to the said Regiment, be assigned to the command thereof, and he is hereby required to take command and is

to be obeyed and respected by the officers of the said fourth Regiment, as their Lieutenant Colonel accordingly.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

G. O.: Headquarters, New York, 10th Aug'st, 1808.

It having been represented to the Commander in Chief, that in the Seventh Regiment of Militia, in the city of New York, whereof Jacob De Lamontagnie is Lieutenant Colonel, there are sundry vacancies to fill, which until the pleasure of the Council be known, the following Persons have been named and recommended:

The Commander in Chief, therefore, hereby orders and directs that the following persons be assigned and appointed to act in the said Regiment, in the several offices opposite their respective names, until the pleasure of the Council in the premises shall be known:

Richard L. Walker, Surgeon; John D. Brown, Ensign; Benjamin L. Day, Ensign; John P. Foote, Ensign; James Boyd Jun'r, Ensign; Daniel Smith, Ensign; Nathaniel Smith, Ensign; Stephen Jarvis, Ensign.

Which said persons are to be respected and obeyed accordingly in their respective offices; and the Commander in Chief further requests and directs, that notwithstanding the date of these orders, Colonel Montagnie will give such rank to the Ensigns herein assigned, and who were returned by him for the same appointments before the last session of the Council of Appointment, as shall appear to him just and proper, and he is hereby empowered by orders to fix and regulate the rank of the Ensigns

accordingly, which orders shall be as effectual and conclusive as the order of the Commander in Chief in that respect could be.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and A. D. C.

THE THIRD REGIMENT OF ARTILLERY REORGANIZED.

A STEP NECESSITATED BY INTERNAL DISSENSIONS — COL. SITCHER
DEPRIVED OF COMMAND.

State of New York,

G. O.: Headquarters, New York, 12th Aug'st, 1808.

The Commander in Chief deeming it his duty to reorganize the third Regiment of Artillery in the first Brigade, has judged it expedient, to assign in orders his reasons for revoking the former orders upon this subject, and for his belief that the organization hereby established will better comport with the views and intentions of the Legislature of the Council of Appointment and of the Commander in Chief, by whom the former orders were issued.

The application for a Law authorizing the organization of a Third Regiment of Artillery in the first Brigade originated with the Artillery officers in the City of New York, and altho' the Law passed upon that occasion was general in its terms, yet the intention of the Legislature is inferable from the duties and privileges prescribed, which duties and privileges were never before or since imposed or conferred upon the Country Artillery; and in a subsequent Act of the same session, the Legislature expressly recognizes the said Regiment as the Third Regiment of Artillery in the City of New York.

That the Council of Appointment, consisting of the Commander in Chief and Members of the Legislature, so considered it, is evi-

dent from the fact of their having appointed in the Regiment none but the officers of companies in the City of New York, and of their having commissioned them expressly "officers of the Third Regiment of Artillery in the City of New York." Besides, that they did not deem the Country companies of Major Sitcher's Battalion as intended to belong to the Third Regiment as is fully proved by their appointments, which in case those companies were to compose part of that Regiment, manifestly violated the rank of the Country Captains, and it is not to be presumed the Council intended such violation. Under these circumstances, the Commander in Chief has no doubt that both the Legislature and the Council of Appointment designed the Third Regiment to consist of the eight New York Companies of Major Sitcher's Battalion, and that the General Orders organizing the said Regiment were issued under an impression at the time, that the said Battalion consisted of those Companies only.

He, therefore, hereby revokes and annuls the original General Orders organizing said Regiment, and directs that the Third Regiment of Artillery of the first Brigade, be henceforth composed of the companies of Artillery in the City of New York at that time attached to Major Sitcher's Battalion, which may have been since annexed to the Third Regiment. Major General Stevens will divide the said Regiment as herein established into two Battalions, as nearly equal in Numbers as may be, and will assign to the command of each, one of the Majors commissioned in the said Regiment.

The companies of Artillery in the first Brigade not attached to either of the Regiments, are formed into two Battalions, one of which will consist of Captain (Martin) Boerum's and Captain (John) Delafield's, (Jr's), companies, and the two companies of Flying Artillery lately organized in the City of New York, and

the other Battalion will be composed of the companies of Artillery in the counties of Suffolk, Queens and Westchester. The Major General will have the rank of the Captains of the respective Battalions ascertained, and assign by orders to the command of each, the Captain therein, who is senior in rank, and will supply the vacancies occasioned by the promotions of Captains to the command of the respective battalions.

The division orders suspending Lieut. Col. Andrew Sitcher are revoked, and vacated, and the said Andrew Sitcher restored to his rank in the first Brigade as a Lieut. Colonel therein, but he will not, in consequence of these orders, resume the command of the Third Regiment.

The mode of promotion in the three Regiments of the first Brigade being unsettled, and having been sometimes by Brigade and occasionally by Regiments, and there being a diversity of opinions concerning the legal and proper mode of promotion therein, the Commander in Chief desires it to be understood, that the arrangement and disposition of officers hereinafter made, is not to be taken as the result of any definitive opinion of his upon that question, but as adopted for the purpose of restoring harmony and prosperity in the Corps.

Major Francis Saltus is for the present transferred and assigned to the command of the Third Regiment as Lieut. Colonel thereof, and is to be obeyed and respected by the Officers of the said Regiment accordingly, and the vacancies occasioned by the transfer of Major Saltus from the Second to the Third Regiment, will be filled with due regard to rank, by the orders of Major General Stevens.

By order of His Excellency:

John W. Livingston, Lt. Col. and
Aid D. C.

MORE EVIDENCE OF LACK OF DISCIPLINE.

Sir:

Canandaigua, July 30th, 1808.

In pursuance of the fourth section of an Act, supplementary to the Militia Law passed April 5th, 1803, I have to complain against James Rose, a captain in my Regiment, as being guilty of improper conduct, particularly a habit of frequent intoxication, in which he indulges to great excess, and in a manner degrading to his office, and I request that you will appoint a Court of Inquiry to investigate his conduct.

I am, Sir, with great respect, Your very humble servant,

Peter B. Porter, Lieut. Col. Com't.

His Excellency, Dan'l D. Tompkins, Comm'r in Chief.

State of New York, Headquarters, Albany, 27th Octob., 1808.

G. O.:

Whereas, Peter B. Porter, Esq'r, Lieut. Col. of a Regiment in General John Swift's Brigade hath made complaint against James Rose a captain in the Regiment whereof the said Peter B. Porter is Lieutenant Colonel Commandant, "for improper conduct degrading to the office of the said Captain, namely, for being guilty of improper conduct, particularly a habit of frequent intoxication, in which he indulges to great excess and in a manner degrading to his office,";

The Commander in Chief doth, therefore, hereby, pursuant to the provisions of the Act entitled "An Act supplementary to an Act to amend an Act entitled An Act to organize the Militia of this State", appoint Lieut. Col. Philetus Swift, Captain Wells Whiteman and Captain Elihu Granger, a Court of Inquiry, to investigate the said conduct of the said Captain Rose, of which Court Philetus Swift will be President;

And it is further directed that the said Court fix the time and

place of their meeting for the above purpose, and that a copy of the charges to be investigated, and notice of the time and place of such meeting, be given to the said James Rose, six days at least previously thereto.

By order of the Commander in Chief.

Anthony Lamb, A. D. C. and Lt. Col.

CAPT. JACKWAYS' TROOP OF HORSE.

G. O.: Headquarters, New York, 13th Aug't, 1808.

The Commander in Chief of the State of New York, having been informed that a company of cavalry in the Squadron whereof James Warner Esq'r is commandant, will equip themselves according to Law if they can be organized, and Mr. Abraham Jackways having been recommended as captain of such new company by General Giles and Major Warner;

The Commander in Chief, therefore, hereby organizes a new Company of cavalry in the said Squadron of which company the said Abraham Jackways will be captain, who is directed to proceed with the enlistment and equipment of a company of cavalry accordingly.

By order of the Commander in Chief:

John W. Livingston, Lt. Col. and A. D. C.

THE EMBARGO CAUSES INSURRECTIONS.*

PROMPT ARRIVAL OF THE MILITIA PREVENTS SIXTY ARMED MEN FROM
MAKING TROUBLE IN THE TOWN OF OSWEGO.

G. O.: Headquarters, New York, 19th Aug'st, 1808.

It appearing from official documents recently communicated to the Commander in Chief, that it has become necessary to detach a

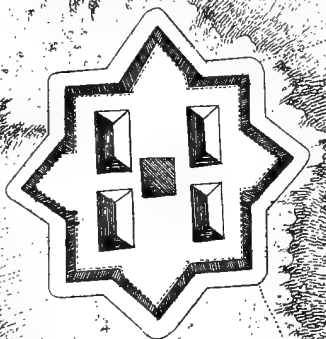
* This trouble was directly traceable to the Embargo which was President Jefferson's alternative for War. Many of the wisest statesmen in the country questioned the constitutionality of the act, which was purely retaliatory against England and France;

Wm. S. Hayward

Scale of 100 Feet to an Inch.



Sketch of the
STOCKADE FORT,
at
OSWEGO FALLS.



Carrying Place

Saw Mill

ONNADAGA RIVER

Falls

Military force to the port and village, of Oswego, in the County of Onondaga, to compel obedience to the Laws, the execution of which has been forcibly resisted at that place, and that a body of Militia, consisting of forty privates properly officered, had accordingly been posted at that Town by Levi Lawrence, of a Regiment there, pursuant to instructions from four of the Judges and Justices of that County, to suppress the existing insurrection and to aid the Collector of the said port to carry into effect the Laws of the United States against the armed and violent resistance made thereto at the said port and its vicinity; these facts, connected with the information that the Insurrection still exists, in the judgment of the Commander in Chief creates an emergency in which it has become necessary for him either to direct a continuance in Service until the twenty fifth day of September next of the Militia heretofore stationed at Oswego,

against England because that nation had adopted orders in Council to destroy all maritime intercourse between the United States and France, for at that time, the great war which Napoleon was waging against the European powers, was consuming vast quantities of bread stuffs raised in the United States and carried by American ships; the embargo was directed at France, because Napoleon had issued decrees that rendered American vessels liable to seizure and condemnation for carrying on, what heretofore had been recognized as, lawful trade with England.

When Jefferson recommended that an embargo be placed on all American shipping—and he failed to give the American people his reasons or to take them into his confidence or to ask advice of those best qualified to advise him—Congress under closed doors, with night sessions, with debates of which no record was ever kept, whipped through a measure conformably with Jefferson's views, by the power of a majority at once defiant and reckless.

The embargo entailed incalculable distress upon the country and paralyzed American shipping. As a consequence, smuggling was carried on in the most flagrant manner between our border States and Canada, by means of the great lakes, especially of Lake Champlain, Canadian politicians stimulating the illicit trade and dissensions among the American people by every means at their command.

Jefferson signed the act December 22, 1807; less than four months after, April 19, 1808, he was forced to issue a proclamation declaring that, on Lake Champlain and in the adjacent country, persons were organizing for the purpose of forming insurrections against the laws. Rafts of lumber, freighted with stores of all kinds, gathered near the boundary line; one report described a raft half a mile long, with a ball proof fort carrying between five and six hundred men, determined to defy the Customs Officers to the end.

The first serious affray between the Customs Officers and the smugglers occurred at Burlington on the Winooski River. The smugglers were aboard a piratical looking craft, called "Black Snake." Two government officers were killed. Frequent attempts were

or to require the Commandant of the Brigade of the County of Onondaga to substitute in their place a new detachment;

Col. Nehemiah Earl, Commandant of said Brigade, is therefore, hereby directed to cause an immediate compliance with this order, either by directing the detachment already in service to continue therein until the 25th of September now next, or by substituting in their place a new detachment from the Brigade under his command of Militia, including officers to be in service until that time as he shall deem best calculated to promote the convenience of the Militia of his Brigade and the public service.

In the execution of these orders it is particularly enjoined by the Commander in Chief, that the Commandant of said Brigade use great caution in the choice and assignment of suitable characters for the command of the detachment. It is confidently expected that the officers so selected and assigned..... and they are strictly commanded to proceed in the execution of their appointment with the utmost prudence and circumspection.

If it should be found impracticable by a recurrence to mild

made to kidnap Custom House Officers who were stationed along the lake. Generally, the assailants were beaten off, though casualties frequently occurred on both sides.

At Oswego, Collector Joel Burt seized a large quantity of Canadian flour which had been smuggled through the lines. A few days later sixty armed men, many of whom were reported to hail from Jefferson County, landed at Oswego in ten boats, and boldly announced their determination to recapture the flour. They swaggered through Oswego all day, uttering the threat that at eleven o'clock that night they proposed to attack the Custom House and "clear out the town or burn it."

Collector Burt, in the meantime however, had not been idle. He had but a short time to prepare for defence. He sent a mounted courier to the southern part of the County for a troop of Dragoons. The commanding officer, waiving all military etiquette, promptly complied with the request. He saddled his outfit and proceeded to within six miles of Oswego. Here he laid under cover until half past nine o'clock at night, when the command started for the seat of trouble.

In the meantime, the marauders had gathered in the streets, fully armed. They were on the point of making their attack, when the sound of galloping horses fell upon their ears. A moment later they were panic stricken to see a column of Dragoons bearing down upon them. Without waiting to fire a shot they divided and took to the woods, each escaping to his home as best he could. The ten boats which brought them to Oswego were confiscated by the United States authorities.

For the Lake Champlain episode, see pages 206-209, 210.

STATE HISTORIAN.

measures to reclaim from their errors those deluded citizens who have wickedly indulged themselves in frequent violations of their civil obligations, by armed and forcible opposition to the Execution of the Laws, then force must be employed to rescue the insulted laws from the violence of these offenders, to suppress the existing Insurrection and to prevent any armed or forcible arrest and removal of vessels or property legally detained or seized by the Collector of the district of Oswego.

If volunteers sufficient for the above purpose can be procured they will be preferred, and their services cheerfully accepted; the Troops when detached will be stationed by the officers assigned to command them, under the direction and with the approbation of Col. John W. Livingston, Aid-de-camp, to the Commander in Chief and the Collector. The officers and men when so stationed will be deemed in actual service, will receive the pay and rations allowed to the regular Troops of the United States and will be subject to the rules and articles of war established by the Laws of the United States.

Daniel D. Tompkins.

By order of the Commander in Chief:

William Paulding, Jun'r, Lt. Col. and A. D. C.

MAJOR DAVIS TEMPORARILY SUCCEEDS MAJOR PAULDING.

G. O.: Headquarters, N. York, 13 Sept., 1808.

William Paulding, Jun'r, first Major of the Sixth, formerly of the First Light Infantry Regiment, having been appointed Lieutenant Colonel and Aid-de-Camp to the Commander in Chief, his place in the Regiment will for the present be filled by Joel Davis, first Major of the Seventh, who is to be obeyed and respected as

acting first Major of the Sixth, but without prejudicing the Rank and right of Major Paulding to promotion in the line, or to reassume his command in the said Regiment, whenever by orders he shall be so directed.

Brigadier-General Steddiford will cause these orders to be carried into effect by transferring Major Davis to the Sixth, and by supplying his absence from the Seventh Regiment agreeably to the seniority of rank.

Daniel D. Tompkins.

THE DISSENSIONS IN THE THIRD ARTILLERY.

G. O.: Headquarters, New York, 14th Sept., 1808.

A majority of a Board of Officers appointed to settle the Rank of the officers of the Third Regiment of Artillery in the First Brigade, having reported to the Commander in Chief their opinion that the Captains and Lieutenants commissioned in said Regiment who formerly belonged to the Brigade of Infantry are not entitled to any Rank or precedence in the Artillery, in consequence of thir Infantry Commissions, inasmuch as no regular transfer of those officers from the Infantry to the Artillery has been made.

The Commander in Chief directs, that the rank of the Captains and Lieutenants of the said Third Regiment of Artillery, be forthwith ascertained and established, with reference to the dates of their commissions in the Artillery, without giving precedence or priority of rank on account of their former Infantry Commissions; and he further directs in case Brevets of some of the said officers in the artillery had been issued before the date of their regular commissions upon appointments by the Council of Appointment and precedence or priority of Rank be claimed

in consequence of the anterior dates of said Brevets, that the Major General in orders decide upon and dispose of such claim.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Lt. Col. and A. D. C.

FOUR PARADES A YEAR FOR THE FLYING ARTILLERY.

G. O.: Headquarters, New York, 19th September, 1808.

The Commander in Chief hereby directs that the companies of Horse or Flying Artillery, heretofore Organized in the City of New York do parade four times a year by companies, and twice a year by Battalions, in the Battalion organized by General orders of the 12th of August last.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Lt. Col. and A. D. C.

GOV. TOMPKINS COMMENDS THE CAVALRY AND RIFLEMEN.

G. O.: Headquarters, New York, 4th October, 1808.

The Commander in Chief announces to General Steddiford's Brigade of Infantry, to the Squadron of Cavalry and Battalion of Riflemen, his approbation of their appearance and conduct during the review of yesterday. The circumstance of a parade of the Artillery on the same day afforded an excellent opportunity for ascertaining the supply of arms and equipments with which the Infantry are provided, independent of loans from the Uniformed Corps, and it yielded great satisfaction to the reviewing officers, to observe an unusually general attendance of the Militia and an unexpected supply of Arms and Equipments in good condition. The Commander in Chief was not only gratified at this circumstance, but avails himself of the occasion to express his

unfeigned praise of the orderly and soldierly conduct of the Troops generally, both in forming and preserving the line and on their march.

By order of the Commander in Chief:

AND ALSO THE ARTILLERY.

New York, October 4th, 1808.

It yields to the Commander in Chief much satisfaction to inform the first Brigade of Artillery that he was particularly pleased with their dress, Equipments, movements and discipline on the parade of the 3d Instant at Dyde's Hotel. Their correct and soldierly appearance and deportment both on their march and at the review, reflects the highest honour on them, and merits and receives the warmest praise of the Commander in Chief.

By order of the Commander in Chief:

FOR A GENERAL REORGANIZATION.

Circular.

The Brigadier Generals will proceed to comply with the annexed General orders without waiting for Division orders. It is advised that the detachments from the several divisions be organized as follows:

From the Artillery, into two Regiments;

From the Cavalry, into two Regiments;

From the 1st Division of Infantry into three Regiments;

From the 2d Do into two Regiments;

From the 3d Do into two Regiments;

From the 4th Do into four Do;

From the 5th Do into five Do.

Every company ought to contain, as nearly as practicable, seventy-five men, including officers. Forms of Inspection returns of Companies, Battalions, and Regiments, with copies of the Act of February 24th, 1807, referred to in General orders, and the form of the caption of the roll to be subscribed by uniform companies who choose to avail themselves of its provisions, are enclosed. Brigade Inspectors are requested to send orders for blank returns to the Adjutant General's office, by persons or agents who will receive and convey the said returns to the several Brigades annually.

PREPARING FOR ACTIVE HOSTILITIES.

THE ACT OF FEB. 24, 1807, WHEN WAR WITH ENGLAND SEEMED
IMMINENT.

An act authorizing the President of the United States to accept the service of a number of volunteer companies not exceeding Thirty Thousand Men.

Section 1st. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the President of the United States be, and he hereby is, authorized to accept of any company or companies of Volunteers, either of Artillery, Cavalry or Infantry, who may associate and offer themselves for the service, not exceeding Thirty thousand men, who shall be clothed and furnished with horses at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by Law in the several States and territories to which such Companies shall respectively belong; Provided, That where any Company, battalion, regiment, brigade or division of Militia already organized, shall tender their voluntary service to the United States, such Company, Battalion, Regiment, Brigade or Division shall continue to be commanded by the Officers holding commissions in the same at the time of such tender; and any Vacancy thereafter occurring shall be filled in the mode pointed out by Law in the State or territory wherein the said Company, Battalion, Regiment, Brigade or Division shall have been originally raised.

SECT. 2. AND BE IT FURTHER ENACTED, That any Company, battalion, regiment, brigade or division, thus offering itself for the service, shall be liable to be called upon to do Military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the Term of Twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage and emoluments of every kind, bounty and clothing excepted, with the regular troops, of the United States.

PROVIDED, That in lieu of clothing, every non-commissioned Officer and private in any company, who may thus offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commis-

sioned Officer or private (as the case may be) in the regular troops of the United States.

Sect. 3. AND BE IT FURTHER ENACTED, That the President of the United States be, and he hereby is authorized to organize the companies so tendering their services as aforesaid, into battalions, squadrons, regiments, brigades and divisions, as soon as the number of volunteers shall render such organization in his judgment, expedient, but until called into actual service, such companies shall be bound to do regular militia duty as is required by law, in like manner as before the passage of this act.

Sect. 4. AND BE IT FURTHER ENACTED, That in case of any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

Sect. 5. AND BE IT FURTHER ENACTED, That the sum of Five hundred thousand Dollars to be paid out of any Monies in the Treasury not otherwise appropriated, be and the same hereby is appropriated, towards defraying any expense incurred by virtue of the provisions of this Act.

Nath'l Macon, Speaker of the House of Representatives.

Geo. Clinton, Vice President of the United States and President of the Senate.

Approved, 24th Feb'y, 1807.

Th. Jefferson.

Blank form for volunteer companies.

We the subscribers, officers, non-commissioned officers, musicians and privates of a company of ————— in the County of ————— and State of New York, do hereby associate and offer ourselves as volunteers to the President of the United States, in conformity to General Orders of the Commander in Chief of this State, dated, Headquarters, Albany, 15th November, 1808, and under and pursuant to the provisions of the Act of Congress, entitled "An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men," passed the 24th day of February, 1807.

In testimony whereof we have hereunto severally subscribed our names the ————— day of ————— 1808.

An Inspection return of the Company ought to be annexed the above Roll.

Sol. Van Rensselaer, Adj. Genl.

NEW YORK'S QUOTA UNDER THE LAW.

AND HOW IT WAS PROPORTIONED OVER THE STATE.

Headquarters, Albany, 15th Nov., 1808.

G. O.:

The President of the United States, by virtue of an Act of Congress, entitled "An Act authorizing a detachment from the Militia of the United States," passed the 30th day of March 1808, has required the Commander in Chief of this State to detach Fourteen thousand Three hundred and Eighty nine of the Militia thereof, and to Organize the same into Companies, Battalions, Regiments, Brigades and divisions.

The above quota is therefore apportioned amongst and is without delay to be detached from the several divisions as follows:

From the Division of Artillery,	1,200
" of Cavalry	900
From the first Division of Infantry,	2,065
Second Do,	1,650
Third Do,	1,600
Fourth Division	2,494
Fifth Do,	4,480
	<hr/>
	14,389

The several Brigades are to furnish the following proportions of the Division detachments:

	Div. Brig. Quota.	Div. Quota.
Artillery		
Brigadier General (Jacob) Morton's Brigade,	551	
(James W.) Wilkin's "	269	
(Peter) Van Slyck's "	380	
	<hr/>	1,200
Cavalry.		
Brigadier General (Aquila) Giles's Brigade,	438	
(Jonas) Platt's "	462	
	<hr/>	900

		Div. Brig. Quota.	Div. Quota.
First Division of Infantry.			
General (Gerard) Steddiford's Brigade, New York			
and Richmond,		1,160	
(Jacob S.) Jackson's " Queens and			
Kings County,		275	
(Thomas) Carpenter's " Westchester,		370	
(Sylvester) Dering's " Suffolk,		260	
		<hr/>	2,065
Second Division of Infantry.			
General (John B.) Van Wyck's Brigade, Dutchess			
County,		295	
(Edmund) Per Lee's " "		340	
(Reuben) Hopkin's " Orange			
and Rockland,		325	
(Siah) Robinson's " Ulster,		350	
(Moses) Cantine's " "		340	
		<hr/>	1,650
Third Division of Infantry.			
General (Samuel) Ten Broeck's Brigade, Columbia			
County,		419	
(Hosea) Moffitt's " Rensselaer,		411	
(Warren) Ferris' " Washington,		170	
(Simeon) De Rider's " "		338	
(Benjamin) Mooer's " Clinton,			
Essex and Franklin,		262	
		<hr/>	1,600
Fourth Division of Infantry.			
General (Samuel) Clark's Brigade, Saratoga			
County,		538	
(Gerrit) Van Schaick's " Albany,		250	
(Paul) Todd's " "		281	
(Daniel) Brown's, (Jr.) " Greene,		307	
(Erastus) Root's " Delaware,		312	
(Freegift) Patchin's " Schoharie,		251	
(Abraham) Veeder's " Montgomery,		555	
		<hr/>	2,494

Fifth Division of Infantry.			Div. Brig. Quota.	Div. Quota
General (Elijah) Holt's	Brigade, Otsego			
County,			545	
(George) Widrig's	" Herkimer,		289	
(George) Doolittle's	" Oneida,		463	
(James) Knapp's	" Onondaga			
and Cortlandt,			440	
General (John) Tillotson's	Brigade, Cayuga			
County,			427	
(Nathaniel) King's	" Madison,		380	
(Obadiah) German	" Chenango		260	
(Samuel) Coe's	" Tioga and			
Broome,			240	
(George) McClure's	" Steuben			
and Allegany,			135	
(Wilhelmus) Mynderse	" Seneca,		201	
(John) Swift's	" Ontario,		310	
(Isaac) Hall's	"		250	
(Alexander) Rea's	" Genesee,			
Niagara, &c.,			210	
(Walter) Martin's	" Jefferson,			
Lewis and St. Lawrence,			350	
			<hr/>	4,480
				<hr/>
				14,389

The Commandants of Brigades are to apportion the Brigade Quota amongst their Regiments and Battalions, and will organize the Companies within their respective Brigades. They will also assign expert, intelligent and respectable Captains and subalterns to command them. The Regiments are to be organized, and the Field officers thereof designated, by the Generals of

Division, who are charged to assign the most active, able and worthy officers.

This authority extends only to companies or Regiments who volunteer or are drafted, under the Act first above mentioned. Volunteer Companies, Battalions or Regiments of Artillery, Cavalry, Grenadiers, Riflemen or Light Infantry, preferring the provisions of the Act of Congress, "Authorizing the President of the United States to accept the services of a number of Volunteer Companies not exceeding thirty thousand men," passed 24th February, 1807, will be received as part of the Quota, and will be separately organized by the Commander in Chief. He will accept the tender of services of Companies, &c., made directly to him, pursuant to the said Act. And all field officers, Commandants of Brigades and Generals of Division, are also authorized and required immediately to accept and forward to the Commander in Chief, every such tender to them made.

To prevent mistakes the annexed form is prescribed for the signature of the officers, non-commissioned officers and Privates of every company so volunteering, which with the Inspection return of each Company, is to be forwarded immediately to headquarters, either by the commandant of such company, or the officer to whom the offer is made.

The promptitude with which the Patriotic Militia of this State have obeyed the call of their Country upon former emergencies, forbids the Commander in Chief's entertaining a doubt that they will display equal ardor and zeal on the present occasion. And as the provisions of the Act of 24th February, 1807, will enable Uniform Companies of Artillery, Cavalry, Grenadiers, Riflemen, or Light Infantry (which are generally composed of acquaintances and neighbours), to remain associated together and with the offi-

cers of their choice, to share the toils and the honors of the field, he indulges a sanguine hope that a large proportion of the detachment will consist of volunteers under that Act.

The services of Companies, Battalions, or Regiments, either of uniformed troops or of Infantry, who elect to avail themselves of the second section of the Act authorizing this detachment, will also be accepted and organized as before directed by the officers commanding Brigades and divisions.

By an Act of the Legislature of this State, passed 8th April, 1808, provision is made for ordering a parade of the Militia for the purpose of making a draft and procuring an Inspection return of a detachment in any one year after the ordinary and regular parades for that year have taken place. Commandants of Regiments are therefore, hereby authorized and empowered, to order such additional parade of their Corps at such time and place as they may deem proper, if the object for which such additional parade is authorized cannot be otherwise conveniently accomplished.

The observance of these orders is not only enjoined on the Militia generally, but Commandants of Divisions, and Generals and Inspectors of Brigades, are strictly charged to be assiduous and faithful in their prompt and full execution.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

TROUBLE ALONG THE SHORES OF LAKE CHAMPLAIN.

THE EMBARGO LEADS TO SMUGGLING, AND SMUGGLING LEADS TO THE
CALLING OUT OF THE MILITIA.

G. O.: Headquarters, New York, 7th Sept'r, 1808.

It has been officially announced to the Commander in Chief of the State of New York, that on the shores and waters of Lake

Champlain, within this State, there exists a combination of individuals who have repeatedly indulged themselves in armed and forcible resistance to the execution of the Laws by the constituted authorities. Those occurrences, in his opinion, occasion an emergency in which it is his duty to direct a detachment of the Militia to depress such criminal combinations, and to aid the civil authority in the due execution of the Laws. He therefore, hereby requires Brigadier General Mooers, Commandant of the Brigade of Militia in the counties of Clinton and Essex, forthwith to detach from his Brigade, two companies of Infantry who will immediately repair to the Town of Champlain, or to such other place or places on or near the shores of Lake Champlain, as in the opinion of the said Brigadier General will most effectually accomplish the purposes for which the said detachment is ordered.

The duties incumbent upon the said detachment will be to suppress the existing insurrection, or armed and forcible resistance to the execution of the laws, at or near Lake Champlain, and to oppose any armed and forcible resistance which may be made to the legal detention or seizure, by the Collector of the district of Champlain, any vessels or property under and pursuant to the existing embargo laws.

The Commander in Chief earnestly enjoins upon General Mooers to select for the command of the Troops to be detached as aforesaid, officers upon whose discretion, military qualifications, and firmness he can confidently rely, and to instruct and charge them to proceed in the execution of the service assigned them with the greatest circumspection, and to resort to force only when persuasion and caution shall prove ineffectual.

The troops to be called into service under these orders, will remain on duty for thirty days from their arrival at the place of

Rendezvous, unless sooner disbanded by General orders, and from the time of their arrival at the place of Rendezvous to be designated by General Mooers, during the said thirty days will be considered in actual service, will receive the pay and rations allowed to the Regular Troops of the United States, and will be subject to the rules and articles of War, established by the Laws of the United States.

The Brigadier General is authorized to accept of the Services of Companies or individuals, either of Artillery or Infantry, who will volunteer on the duty contemplated by these orders.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Lieut. Col. and Aid-De-Camp.

ORGANIZING FOR WAR.

NEW YORK STATE MILITIA AND HOW IT WAS DISTRIBUTED.

G. O.: Headquarters, Albany, 17th April, 1809.

In pursuance of orders from the President of the United States, bearing date on the second day of November last, and in conformity with General orders of the 15th day of the same Month and year, such companies of the Militia of the State as have volunteered their services under the Act of Congress passed the 24th day of February, 1807, entitled, "An Act authorizing the President of the United States to accept the service of a number of volunteer Companies, not exceeding Thirty thousand Men" are hereby organized into one Brigade to be commanded by Brigadier General (Sylvester) Dering, and will consist of one Regiment of Infantry, one Regiment of Riflemen, one Battalion of Artillery, and one Squadron of Cavalry, to be officered in the following manner:

BRIGADE.

Sylvester Dering, of the County of Suffolk, Brig'r Genl.

Michael S. Vandercook, of Rensselaer County, Inspector and Maj.
Brigade.

Robert Swartwout, of Onondaga County, Brigade Q'r Master.

REGIMENT OF INFANTRY.

Peter B. Porter, of the County of Ontario, Lieut. Col. Command't;

Jacob Haight, of the County of Greene, 1st Major;

Jeromus Johnson, of the City of New York, 2nd Major;

George Bloom, of the County of Dutchess, Adjutant;

Thomas G. Smith, of the County of Westchester, Chaplain;

Aaron Clark, of the County of Schenectady, Quarter Master;

John W. Gibson, of the City of New York, Paymaster;

Amos Hamlin, of the County of Greene, Surgeon;

Hubbard Smith, of the County of Madison, Surgeon's Mate.

COMPANIES.

County of Onondaga.

Robert Swartwout, Captain; Asa Wells, Lieutenant;

Oren Stone, Ensign.

County of Chenango.

Garret Burget, Capt.; Zalmon Burnham, Lieut.

Zalmon Smith, Ensign.

County of Schenectady.

Charles Taylor, Capt.; Henry Hogan, Lieut.;

John Brown, Ensign.

County of Greene.

Isaac Dubois, Capt.; John Buel, Lieut.;

Philip Gebhard, Ensign.

County of Cayuga.

John Knittles, Capt.; Israel Ozman, Lieut.;

Isaac Ozman, Ensign.

County of Montgomery.

Jon'a Gates, Capt.; Jeremiah Drake, Lieut.;

John Ford, Ensign.

City of New York.

John McKinley, Capt.; Lawrence Power, Lieut.;

_____, Ensign.

REGIMENT OF RIFLEMEN.

Francis McClure, of the City of New York, Lieut. Col. Comm't;

John M. Howell, of the County of Suffolk, 1st Major;

Ichabod Prall, of the City of New York, 2nd Major;

Sebastian Visscher, of the City of Albany, Adjutant;

Reuben Morgan, of the County of Washington, Q'r Master;

Abijah Yelverton, Jun'r, of the County of Onondaga, Pay Master;

Caleb Alexander, of the County of Herkimer, Chaplain;

Joshua Secor, of the City of New York, Surgeon;

Samuel Ackerly, of Do Surgeon's Mate.

COMPANIES.

City of New York.

Daniel Fisher, Capt.; Robert Bleakley, Lieut.

Hugh Walker, Ensign.

City of New York.

John Morrison, Capt.; Joseph Tate, Lieut.

Robert Dillon, Ensign.

City of New York.

David Andrews, Capt.; James Farrel, Lieut.;

Patrick Lunny, Ensign.

City of New York.

Thomas McKittrick, Capt.; David Logan, Lieut.;

Charles Eagleson, Ensign.

City of Albany.

Samuel M. Lockwood, Capt.; John Mills, Lieut.;

Sanford Cobb, Ensign.

County of Cayuga.

Abraham Bloom, Capt.; Luther Gere, Lieut.;

Arnold Rogers, Ensign.

County of Seneca.

William Ireland, Capt.; John Alexander, Lieut.;

Joseph S. Barnard, Ensign.

City of Albany.

Darby Noon, Capt.; James Maher, Lieut.;

John Cassidy, Ensign.

BATTALION OF ARTILLERY.

Peter C. Fox, of the County of Montgomery, 1st Major and Comm't;

Martin Boerum, Do Kings, 2d Major;

Francis Adincourt, Do Rensselaer, Adjutant;

Caleb Hopkins, of the City of New York, Q'r Master;

Israel Ketchum, of the County of Dutchess, Pay Master;

Tompkins C. Delayan, Do of Seneca, Surgeon;

Eli Hill, Do Chenango, Surgeon's Mate.

COMPANIES.

Columbia County.

William Wigton, Capt.;	David West, Lieut.;
 2nd Do.

Schoharie County.

Giles Kellogg, Capt.;	William Elmendorf, Lieut.;
 2nd Do.

Saratoga County.

Lemen Foot, Capt.;	Thomas Tallmadge, 1st Lieut.;
	Seth Waller, 2nd Do.

Madison County.

Daniel Petrie, Capt.;	Jabez Lyon, 1st Lieut.
	Benjamin Wilber 2nd Do.

SQUADRON OF CAVALRY.

Edmund Fitzgerald, of the County of Saratoga, 1st Major, Comm't;	
Appollos Moore,	Do of Albany, 2nd Major;
Apollos Cook,	Do of Greene, Adjutant;
John E. Wool,	Do of Rensselaer, Q'r Master;
Edmund Pendleton, of the City of New York, Paymaster;	
William Livingston, of the County of Washington, Surgeon;	
Salmon Thayer,	Do of Onondaga, Surgeon's Mate.

TROOPS.

County of Albany.

Appollos Moore, Captain;	Ezra Lester, 1st Lieut.;
Joseph Lamoreaux, Cornet.	Eli Hutchinson, 2nd Do.;

County of Herkimer.

Walter Fish, Captain;	John Flusky, 1st Lieut.;
..... Cornet. 2nd Do.;

County of Saratoga.

Nicholas Emigh, Capt.;	Peter Banta, 1st Lieut.;
..... Cornet.	Jarvis Brewster, 2nd Do;

County of Madison.

Jesse Haskill, Capt.;	Minor Brown, 1st Lieut.
Frederick Morgan, Cornet.	Zadock Beebee, Jun'r, 2nd Do;

The officers hereby assigned are to hold themselves in readiness to take the Field, and are to be obeyed and respected in their respective stations.

Generals of Brigade who have not complied* with General orders of the 15th of November 1808, are directed to make the Inspection returns previous to the 15th day of May next, of the detachments from their respective Brigades, with the names of the officers assigned to command, and the organization of the companies.

Generals of Division are also required by the above day to make return of the Organization of the Division Detachments, and of the Field and Staff Officers assigned to command them.

The Commander in Chief avails himself of this opportunity to repeat to the officers, non-commissioned officers, and privates of the Corps hereby organized, an assurance of his high estimation of their laudable and patriotic tender of services, and his entire confidence that by their discipline, intelligence and bravery, they will support the reputation and honor of the State of New York.

By order of the Commander in Chief.

Wm. Paulding Jun'r, Adj. Genl.

 ORGANIZING THE CAVALRY.

G. O.: Headquarters, Albany, 17th April, 1809.

Pursuant to the first and fifteenth sections of the act entitled "An act to organize the Militia of this State," passed the

29th day of March, 1809, the Cavalry and the fifth Division of Infantry are hereby organized in the following manner:

First Regiment of Cavalry; to embrace the Southern District of the State and to be divided into three Squadrons; First Squadron New York and Richmond Counties; Second Do, Westchester; Third Do, Suffolk, Queens and Kings.

Second Regiment of Cavalry; to embrace Rockland, Orange, Ulster and Dutchess Counties and to be divided into three Squadrons: First Squadron, Dutchess County; Second Do, Ulster; Third Do, Rockland and Orange.

Third Regiment of Cavalry; to embrace Columbia and Rensselaer Counties, and to be divided into two Squadrons: First Squadron, Columbia County; Second Do, Rensselaer.

Fourth Regiment of Cavalry; to embrace Saratoga, Washington, Clinton, Essex and Franklin Counties, and to be divided into two Squadrons: First Squadron, Saratoga County; Second Do, Washington, Clinton, Essex and Franklin Counties.

Fifth Regiment of Cavalry; to embrace Albany, Greene and Schenectady Counties, and to be divided into two Squadrons: First Squadron, Albany County; Second Do, Greene and Schenectady.

Sixth Regiment of Cavalry; to embrace Montgomery, Schoharie and Delaware Counties, and to be divided into two Squadrons: First Squadron, Montgomery County; Second Do, Schoharie and Delaware.

Seventh Regiment of Cavalry; to embrace Otsego, Herkimer, Oneida, Jefferson, Lewis and St. Lawrence Counties, and to be divided into two Squadrons: First Squadron, Otsego and Herkimer Counties; Second Do, Oneida, Jefferson, Lewis and St. Lawrence Counties.

Eighth Regiment of Cavalry; to embrace Madison, Chenango, Broome, Cortlandt, Onondaga and Cayuga Counties and to be divided into three Squadrons: First Squadron, Madison and Chenango Counties; Second Do, Cortlandt and Broome Counties; Third Do, Cayuga and Onondaga Counties.

Ninth Regiment of Cavalry to embrace Tioga, Steuben, Seneca, Ontario and the counties west, and to be divided into two Squadrons: First Squadron, Tioga, Seneca, Steuben and (John) Swift's Brigade in Ontario; Second Do, (Isaac) Hall's Brigade in Ontario and the counties of Genesee, Niagara, Allegany, Chautauqua and Cattaraugus.

Brigadier Generals Giles and Platt are requested to furnish by the first day of June next, a return of the Persons entitled to promotion in consequence of the above arrangements.

The Fifth Division of Infantry is hereby divided into three Divisions, namely:

Fifth Division, to embrace Herkimer, Oneida, Onondaga, Jefferson, Lewis, and St. Lawrence Counties, and be commanded by Major-General Myers.

Sixth Division, to embrace Madison, Chenango, Broome, Tioga, and Cortlandt Counties, and to be commanded by the Senior Brig'r Gen'l within that district.

Seventh Division, to embrace Cayuga, Seneca, Ontario, Steuben, Allegany, Genesee, Niagara, Chautauqua and Cattaraugus Counties, and to be commanded by the Senior Brig'r Gen'l. within those counties.

Major General Myers is requested to make a return of the persons entitled to be promoted to the rank of Major Generals, and also of the persons entitled to promotion in consequence of the Brigade and Regimental vacancies, which will occur in carrying

these orders into effect, which return he is requested to forward to the Commander in Chief, or the Adjutant-General previously to the first day of June next.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adj. Genl.

A RIFLE COMPANY FROM GREENBUSH AND SCHODACK.

G. O.: Headquarters, Albany, 18th April, 1809.

Sundry inhabitants of Greenbush and Schodack, in the county of Rensselaer, having subscribed and presented to the Commander in Chief an offer to uniform and equip themselves as a company of Riflemen in General Hosea Moffitt's Brigade, and the Commander in Chief deeming it advantageous to the Brigade, and reasonable and proper to organize a company of Uniform Troops in those Towns, hereby establishes and organizes the said Company as a Rifle Company, and assigns Henry Koon to be the Captain, David Bell to be the Lieutenant, and James Deforest, to be the Ensign thereof, until the pleasure of the Council of Appointment be made known; and further directs that the uniform of the said Company be the same as that of the Company of Trojan Greens, lately organized into a Rifle Corps.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adj. Genl.

ASSIGNMENTS.

G. O.: Headquarters, New York, 6th May, 1809.

The Commander in Chief agreeably to the request of Major General (Nathaniel) Coles of the first Division of Infantry, assigns Major Joseph Blackwell of the Brigade commanded by Lieut. Col.

(Peter) Van Zandt, and Benjamin Coles, Esq'r as his Aid-de-Camps, until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adj. Genl.

GENERAL STEDDIFORD'S DIVISION DIVIDED INTO TWO BRIGADES.

G. O.: Headquarters, New York, 6th May, 1809.

The Commander in Chief by virtue of the Act to organize the Militia of this State, passed the 29th day of March, 1809, authorizing him to form each Division into as many Brigades and each Brigade into as many Regiments, and each Regiment into as many companies, as in his discretion he shall from time to time think proper, has thought fit to divide that part of the first division of Infantry, commanded by Brigadier General Steddiford (which comprehends the City and County of New York, and the County of Richmond) into two Brigades; and directs that the Brigades hereby established shall be organized as follows:

The first Brigade is to be commanded by Brigadier General Steddiford and shall consist of Four Regiments, of eight Battalion Companies each, under command of Lieut. Colonels Jacob De Lamontagnie, Jasper Ward, Beekman M. Van Beuren, and Edward W. Laight, and of the Battalion of Riflemen commanded by Major Francis McClure; and with whom are to be associated in the same manner as at present, the field, staff and company officers, who may now be under the command of those Lieut. Colonels and of Major McClure, excepting however, Major John Coffin, and Captain James Cheetham, who are transferred to the Regiment to be commanded by Lieut. Col. Van Beuren, the former as the first Major, and the latter as the second Major thereof; and with

the exception also of Captain Charles Christian, who is assigned as Inspector and Brigade Major of this Brigade, until the pleasure of the Council of Appointment be made known; and, in the place of Major Joseph Blackwell, who, at his own request, has been assigned as Aid-de-Camp to Major General Coles.

The Second Brigade shall be commanded by Lieut. Col. Van Zandt, and will consist of Five Regiments of Eight Battalion companies, to be commanded by Lieut. Colonels Robert Bogardus, Jonas Mapes, Daniel Dodge, Andrew Anderson, and Joseph Perine; and with whom are to be associated, as at present, the field, staff, and company officers, which may now be under the command of those Lieut. Colonels; excepting however, the officers of Lieut. Col. Van Zandt's Regiment, who are to be commanded by Lieut. Col. Anderson and also Captain Ebenezer Irving, who is hereby assigned as the Inspector and Brigade Major of this Brigade, until the pleasure of the Council of Appointment be made known.

The first Brigade shall comprehend that part of the City and County of New York included within the following boundaries, namely; beginning at the East River at the commencement of Whitehall Street, through the middle of that street to Broadway, thence through the centre of that street to the old Boston Post road, thence through the centre of that road to the middle road which passes through the Commons, thence up the centre of that road to the cross-road immediately above the place formerly belonging to Doct. Bridger, thence through the centre of that road to the Boston Post road aforesaid, thence across that road to the Easterly line of the Estate of Kipp deceased, thence along the said line to the East River, and from thence along the shore of that river to Harlaem River, thence along the shore of the

said River to Hudson's River, and along the shore of that River to the place of beginning.

The Second Brigade will embrace the County of Richmond, and that part of the City and County of New York not included within the limits of General Steddiford's Brigade.

The commandants of those Brigades are directed immediately to divide the Brigade districts into Regimental beats, each to contain as nearly as possible an equal number of citizens liable to do Military duty.

Brigadier General Steddiford and Lieut. Col. Van Zandt, will furnish the Commander in Chief on or before the 25th Instant, with Brigade returns of persons entitled to promotion, and recommended for appointments in their respective Brigades; observing at the same time that the Captains and Lieutenants to be assigned to the new Regiment to be commanded by Col. Van Beuren will be taken from the senior Lieutenants and Ensigns of the Brigade, as it existed previously to these orders, according to priority of rank in that Brigade.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adj. Genl.

THE WAR CLOUD BLOWS AWAY.

G. O.: Headquarters, New York, 6th May, 1809.

The Commander in Chief, agreeably to instructions from the President, of the 29th day of April last, directs that the detachment of 14,389 of the Militia of this State, required by General orders of the 15th day of November, 1808, be no longer held in readiness for actual service; and in compliance with those instructions, he with great pleasure avails himself of this occasion to present to those Corps whose patriotism has induced them to

volunteer their services, the approbation and thanks of the President of the United States.

The Commander in Chief cannot forbear to express his satisfaction at the national measures, which have superseded the necessity of continuing the detachment in readiness for service; nor can he, without doing injustice to his feelings, withhold from his Fellow citizens who have generously tendered their services, an assurance of his cordial approbation of their conduct and of the emotions of pride and pleasure awakened in his breast by their fidelity to the just rights and independence of their country.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adj. Genl.

PROMOTIONS.

G. O.: Headquarters, New York, 15th May, 1809.

It having been represented to the Commander in Chief that there are a number of vacancies for Ensigns in Col. De Lamontagnie's Regiment of Militia in the City of New York, and the following persons having been recommended by the said Colonel to fill the Vacancies, they are accordingly hereby assigned and directed to take command as Ensigns in that Regiment, and are to be obeyed and respected accordingly in that capacity, namely: Washington Varian, Edward Patten, Andrew Wheeler, David M. Ross, Nathaniel Weed, and Israel Foote.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

G. O.: Headquarters, New York, 17th May, 1809.

It having been represented by Capt. Thomas Post, of Col. De Lamontagnie's Regiment that his company is destitute of subaltern officers, and that for the purpose of enrolment it is indis-

pensable to have one subaltern at least; the Commander in Chief, therefore, assigns Joseph Corbitt as Ensign of that Company until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

UNIFORM FOR THE TROJAN GREENS.

G. O.: Headquarters, Albany, 27th May, 1809.

The company of Trojan Greens in the village of Troy, having been organized into a Rifle Company, pursuant to the thirty third section of the Militia Law of this State, but their uniform not having been prescribed, the Commander in Chief hereby directs that the uniform of said company shall be Green short coats, with black facings, trimmed with yellow cord, caps of the description heretofore worn by the Company, with green or white underclothes.

By order of the Commander in Chief:

A. Lamb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, 7th June, 1809.

The company of Light Infantry called the Trojan Greens, at Troy in the Brigade commanded by General Hosea Moffitt, having been organized into a Rifle Corps, the officers of that company who are commissioned as Captain, Lieutenant and Ensign respectively, of a Light Infantry Company, are hereby assigned to take command of, and will exercise and discipline the said company as a Rifle Corps, and are to be obeyed and respected by the said Company accordingly.

By order of the Commander in Chief:

G. O.: Headquarters, Albany, 21st June, 1809.

By order of the Commander in Chief:

Daniel Rodman, Aid-De-Camp.

G. O.: Headquarters, Albany, 29th June, 1809.

Captain Daniel Couch, Jun'r, of the fourth Regiment of Cavalry, in the State of New York, having resigned, and having assigned good and sufficient reasons therefor, the Commander in Chief has with regret accepted his resignation. It has thereupon become necessary to organize the said company provisionally. The Commander in Chief accordingly directs that Lieut. Daniel Starr, take command of the said company as Captain thereof, and that Curtis Burton act as first Lieutenant, Parker Manning as second Lieutenant, and such Persons as the Members of said company shall freely choose at a full meeting thereof shall act

having the competent number of men uniformed at any parade of Inspection within one year from the 29th day of March last.

Similar certificates have been received from several Commandants of other companies, but as the said other companies were respectively organized more than Eighteen Months before the 29th day of March, 1809, they are not deemed to come within the provision of the section above mentioned, and for that reason are not included in this order.

By order of the Commander in Chief:

Daniel Rodman, *Aid-de-Camp.*

G O.: Headquarters, New York, 18 July, 1809.

Capt. John McKinley, commanding a Uniform Company organized within eighteen months before the 29th day of March, 1809, in the Fourth Regiment of the Second Brigade of Infantry, having, antecedent to the first day of July instant, certified to the Commander in Chief that such company could not procure the articles necessary for uniforming and equipping the same, it is hereby ordered, pursuant to the Act of the 29th of March last, to organize the Militia of this State, that the said company be not disbanded for not having the competent number of men uniformed at any parade of inspection within one year after the passing of the said Act.

By order of the Commander in Chief:

Wm. Paulding, Jun., *Adj. Genl.*

PROMOTIONS AND ASSIGNMENTS.

G. O.: Headquarters, New York, 14th July, 1809.

The Commander in Chief having been informed that the company commanded by Lieutenant John Lemaire, of the first Regiment of the first Brigade of Artillery, is destitute of a Captain,

and that Lieutenant Lemaire is entitled to be promoted to that rank, he is therefore accordingly directed to take command as Captain of the said company until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. General.

G. O.: Headquarters, New York, 17th July, 1809.

At the request of Lieut. Col. Van Beuren of the Third Regiment of the first Brigade of Infantry in New York, the Commander in Chief assigns Jacob P. Brower, Surgeon and Samuel Schofield, Surgeon's Mate, of the said Regiment until the pleasure of the Council of Appointment in the premises be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 20th July, 1809.

Capt. Fyler Dibble having enrolled privates of his company of Artillery as musicians, and having requested that they may be permitted to wear round hats or caps, when acting in that capacity, the said request is complied with, and Capt. Dibblee hereby authorized to prescribe the form and ornament of such hat or caps.

By order of the Commander in Chief:

Wm. Paulding Jun., Adjutant General.

G. O.: Headquarters, New York, 29th July, 1809.

The Commander in Chief hereby constitutes Lieutenant Col's Jacob De Lamontagnie, Robert Bogardus, Jonas Mapes, Jasper Ward and Edward W. Laight, a board of Officers to determine the relative rank of Captains Christian, Pluymert, L'Homme-dieu, and Post, of the first Brigade of Infantry.

The Board will meet on Friday next at 10 o'clock A. M. at the City Hotel in Broadway, and are to transmit their report to the Adjutant General on or before the tenth day of August next,

Brigadier Generals Steddiford and Van Zandt will cause timely notice to be given of this order to such of the above named officers as belong to their respective Brigades.

G. O.: Headquarters, Albany, 21st August, 1809.

The name of Matthew W. Mentor having by mistake been omitted in the appointments for Col. Solomon Martin's regiment of Militia in the County of Otsego, upon the return for which Regiment his name appears for Captain;

To remedy which, until the next meeting of the Council of Appointment, the Commander in Chief hereby assigns and brevets the said Matthew W. Mentor a Captain in the said Regiment, with rank from the thirty-first day of May last, and orders and directs that he be obeyed and respected accordingly until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

A'y Lamb, Lt. Col. and Aid-de-Camp.

FIXING THE AUTHORITY OF THE BRIGADIERS.

G. O.: Headquarters, New York, 31st Aug'st, 1809.

The Commander in Chief, having learned from various sources, that doubts are entertained by some of the Generals of Brigade whether they are authorized to appoint Regimental parades of the Militia until General orders have been received for that purpose, has directed the Adjutant General to inform them, that by the 46th Section, of the late Militia Law, the authority to appoint

the times and places of Regimental parades is exclusively vested in the respective Brigadier Generals, who are not, therefore, to wait for general orders upon that subject. The 48th Sect'n, by which it is provided "that the Brigadier Generals and Commandants of Brigades whenever by the orders of the Commander in Chief it shall be submitted to their discretion to appoint the days for the annual reviews and inspection of their Brigades, shall give timely notice" &c., relates only to Brigade parades, which by a previous clause of the act the Commander in Chief is authorized, if he shall deem it proper, annually to direct.

The several Generals of Brigade are strictly enjoined to cause the annual inspection returns of their respective Brigades to be made to the Commander in Chief, or to the Adjutant General, previously to the first day of December next; and the returns of vacancies and promotions by the 20th day of January next.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adj. General.

THE NORTH CASTLE RIFLE COMPANY.

G. O.: Headquarters, New York, 1st Sept., 1809.

It having been represented to the Commander in Chief that the organization of an uniform company in the town of North Castle, Westchester County, will not interfere with the prosperity of any other Uniform Corps, and a number of persons in the said town, having presented a petition praying to be organized as a Rifle Company and pledging themselves to uniform and equip as a Rifle Corps under Abel Smith Jun'r, as their Captain; the said Company is hereby organized as a Rifle Corps, of which the said Abel Smith Jun'r, is assigned as Captain to be obeyed and respected accordingly, until the pleasure of the Council of

Appointment be made known in the premises. The uniform of the said Company will be the uniform prescribed for Rifle Corps, vizt: Green frocks and pantaloons with yellow fringe, black gaiters, round black hats ornamented with yellow buttons, black loops, and short green feathers.

The said company until further orders, will parade with Lieut. Col. David Hobby's Regiment of Infantry on Regimental days, which said Lieut. Col. will give the necessary orders for that purpose. The Lieut. and Ensign will be chosen by the Company at a full and fair meeting of the members of the Company for that purpose, and will be brevetted as such as soon as the Commander in Chief shall be notified of such choice.

By order of the Commander in Chief:

Robert Macomb, Lieut. Col. and Aid-de-Camp.

ASSIGNMENT.

G. O.: Headquarters, New York, 2nd Sept., 1809.

At the request of Col. Jacob De Lamontagnie of the First Brigade of New York Militia, the Commander in Chief hereby assigns and brevets James Swan and William H. Shute as Ensigns in the said Regt., who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be known.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

MANLIUS GROWS A RIFLE COMPANY.

G. O.: Headquarters, New York, 19th Sept., 1809.

The Commander in Chief deeming it proper to comply with a petition for the organization of a Rifle Company at Manlius in

Onondaga County, hereby organizes the said company and assigns Charles Moseley as Captain, Leonard Kellogg Lieutenant, and Charles B. Bristol Ensign thereof, until the pleasure of the Council of Appointment be known. The uniform of the said company will be green rifle frocks and pantaloons, with yellow fringe, black gaiters, round black hats, with yellow buttons, black loops and short green feathers.

By order of the Commander in Chief:

Wm. Paulding Jun., Adj. Genl.

MORE DISPUTES OVER RANK.

G. O.: Headquarters, New York, 22nd Sept., 1809.

Upon the request of Major Blackwell of the 2nd Brigade of New York Infantry and of the General of the said Brigade, the Commander in Chief hereby organizes a board of officers to settle rank between Major Mulligan and Major Blackwell, of which board General Giles of the Cavalry will be president and Col. Curtenius, Col. Loomis and Major Fleet of the Artillery, and Major Francis McClure of the Rifle Corps will be Members.

The said Board will meet at Hallam's Tavern, No. 71 Nassau St. in the City of New York, on Wednesday, the 27th day of Sept'r Instant, at four o'clock in the afternoon, of which time and place of meeting immediate notice in writing must be given by Genl. Van Zandt to Majors Mulligan and Blackwell respectively. The Members of the Board will be notified thereof by the President and upon a decision of the question of rank between the said Majors, the board will report the same to the Commander in Chief without delay.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

ASSIGNMENTS.

G. O.: Headquarters, New York, 23rd Sept., 1809.

At the request of Col. Loomis of the second Regiment of New York Artillery, the Commander in Chief hereby appoints and assigns Valentine Luff as second Lieutenant of the Company of Artillery commanded by Capt. Campbell who is to be obeyed and respected accordingly until the pleasure of the Council be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

G. O.: Headquarters, New York, 25th Sept., 1809.

At the request of Major Van Hook, in the absence of Col. Dodge of the first Regiment of the Second Brigade of New York Infantry, the Commander in Chief appoints and assigns Nathaniel D. Hunter to be Surgeon's Mate and Josiah P. Knapp an Ensign in the said Regiment, who are respectively to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

STILL ANOTHER RIFLE COMPANY.

G. O.: Headquarters, New York, 26th Sept., 1809.

A number of Privates in Lieut. Col. Bogardus's Regiment of Infantry, having applied to be organized as a rifle company in that corps, and it appearing to the Commander in Chief compatible with the public good to grant the prayer of their petition, he does hereby provisionally organize them accordingly in that Regiment and assigns Nathaniel Fisk as Captain, Stephen Woods as Lieutenant and Isaac Ludlom as Ensign thereof, until the

pleasure of the Council of Appointment shall have been made known in reference thereto.

And the Commander in Chief further directs that the uniform of that company shall be green rifle frocks and pantaloons, with yellow fringe, black gaiters, round black hats, with yellow buttons, black loops and short green feathers.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

MAJOR MULLIGAN DECIDED TO BE THE SENIOR.

G. O.: Headquarters, New York, 28th Sept., 1809.

The board of Officers constituted by General Orders of the 22nd Instant, to decide the relative rank of Majors Mulligan and Blackwell of the Second Brigade of New York Infantry, having performed the duty assigned them with promptitude, and to the satisfaction of the Commander in Chief, is dissolved. The said board having determined that Major Mulligan is entitled to the rank of Senior Major to Major Blackwell, the said determination is sanctioned and confirmed by the Commander in Chief.

The Brigadier General of the said Brigade will in his orders and returns respect and enforce the said decision.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

CAPTAIN PRICE TRANSFERRED.

G. O.: Headquarters, New York, 28th Sept., 1809.

At the request of Lieut. Col. Bogardus, and with the consent of Lieut. Col. Dodge, Capt. Stephen Price of the first Regiment

of the Second Brigade of New York Militia is transferred to the fourth Regiment of that Brigade, but is not in consequence thereof to interfere with the right of promotion or command of any officer now belonging to the latter Regiment.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adjutant General.

A COURT MARTIAL ORDERED FOR CAPTAIN FERRIS.

G. O.: Headquarters, New York, 5th Octob., 1809.

Whereas a Court of Enquiry was formerly appointed by the Commander in Chief to investigate certain charges exhibited against Captain David Ferris of the Brigade of Militia in the County of Westchester, touching improper conduct degrading to the office which he holds; and whereas the said Court did investigate the same, and did amongst other things report to the Commander in Chief that three of the said charges were as follows, vizt: "That the said David Ferris was President of a Regimental Court Martial held at Armstrong's Tavern in the Town of East Chester in the latter part of the year 1805, and did at the said Court deny his own handwriting and signature to a discharge of Alfred Livingston from military duty, which said denial was malicious, and for the purpose of subjecting the said Alfred Livingston to a fine for not attending a military parade, he, the said David, when he so denied his signature to the said discharge, being conscious and well knowing the same was his handwriting, all which was unprincipled and dishonourable and contrary to the dignity and integrity of a President and member of a Court Martial";

"That the said David Ferris returned the said Alfred Livingston as a delinquent member of his company to the said Court

Martial, contrary to his Duty as an Officer and from motives of personal resentment against the said Alfred, and denied his signature to the said discharge from Military duty before the afore-said Court wilfully, and for the purpose of unjustly vexing, harassing and oppressing the said Alfred, and from malicious and dishonorable motives”;

“That at a Regimental Court Martial held at the house of Philemon Fowler in the Town of East Chester in the month of December, 1806, he, the said David returned the said Alfred Livingston, as a member of his company of militia and a delinquent, for the purpose of having him fined, although he knew the said Alfred was excused from military duty by a discharge signed by him, the said David Ferris; and that the said David Ferris attended at the said Court Martial and then and there abused, insulted, and indecorously treated his brother officers, members of the said Court, and behaved towards them in an indecent and highly unbecoming manner.”

“Upon which charges it was reported by the said Court, that the said Court was of opinion that the conduct of Capt. David Ferris towards Alfred Livingston in giving him his discharge and afterward calling him to the Court Martial to answer for his Non-attendance on the parade was improper and harassing him as a citizen. Upon which charges and report the said David Ferris hath requested of the Commander in Chief that a Court Martial might be appointed in order that the legality of his conduct in relation thereto might be decided by a proper tribunal.”

The Commander in Chief is, thereupon, pleased to order that Brigadier General Carpenter do forthwith cause the said Capt. David Ferris to be arrested and within three days thereafter to

be served with a copy of the preceding charges and report, certified by the said General, and notice of the time and place of the meeting of the Court Martial.

The Adjutant General will cause to be convened on the 18th day of October Instant, at ten o'clock in the forenoon at the house of Enoch Carter, inkeeper in the town and county of Westchester, a Court Martial for the trial of the said Capt. David Ferris, upon the charges aforesaid, to consist of Brigadier General Jacob Morton as President, Jacob De Lamontagnie, Robert Bogardus, Beekman M. Van Beuren and Edward W. Laight, Lieutenant Colonels of the New York Militia, Joseph Perine, Lt. Colonel of the Richmond Militia, Isaac A. Van Hook, Clarkson Crolius, Gerard De Peyster, Jeromus Johnson, and Ichabod Prall, Majors of the New York Militia, and Simon Fleet and Martin Boerum, Majors of the first Brigade of Artillery, as Members.

The proceedings and determination of the said Court are to be forwarded to the Adjutant General without delay.

By order of the Commander in Chief:

Wm. Paulding, Adj. Genl.

COL. SITCHER RESTORED TO COMMAND.

G. O.: Headquarters, New York, 9th Oct., 1809.

The Battalions of Majors Boerum and Jermain are hereby organized into a fourth Regiment in the first Brigade of Artillery, and are to be commanded by Lieut. Col. Andrew Sitcher.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

MORE RIFLEMEN FOR NEW YORK CITY.

G. O.: Headquarters, New York, 9th October, 1809.

The Commander in Chief does hereby provisionally organize in Lieut. Col. Beekman M. Van Beuren's Regiment of New York Militia, a rifle company, and assigns John Morow as Captain, John R. Lecount as Lieutenant, and John J. French as Ensign thereof, until the pleasure of the Council of Appointment be known. The Uniform of the said company will be green rifle frocks and pantaloons with yellow fringe, black gaiters, round black hats, with yellow buttons, black loops, and short green feathers.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adjutant General.

ASSIGNMENTS.

G. O.: Headquarters, New York, 6th Octob., 1809.

At the request of Lieut. Col. Saltus, of the third Regiment of the first Brigade of Artillery, the Commander in Chief hereby brevets and assigns Samuel Gedney, William L. Lippincott and Jacob Peterson, as second Lieutenants in the said Regiment, who are to be obeyed and respected accordingly until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adjutant General.

G. O.: Headquarters, New York, 10th Octob., 1809.

At the request of Lieut. Col. Dodge, the Commander in Chief does hereby brevet Samuel Darling and Noyes Darling as En-

signs in the first Regiment of the second Brigade of New York Militia until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adj. Genl.

G. O.: Headquarters, New York, 17th Oct., 1809.

It having been represented to the Commander in Chief that Col. Laight and Major (Ichabod) Prall and Major (Gerard) Depeyster cannot attend the Court Martial appointed to be held to-morrow at the house of Enoch Carter in Westchester County, according to former General Orders, Lt. Col. Saltus and Capt. Anthony Bleecker of the Artillery, and Major William W. Todd of the Infantry, are therefore hereby appointed and assigned as Members of the said Court Martial in their stead.

And it having been represented that the place which has been appointed for the meeting of the said Court may not be a convenient one for the continuance of the sitting of the said Court, the Commander in Chief, as far as in him lies, authorizes the Adjournment of the said Court if necessary, to such other convenient place as the president of the said Court with the assent of the members and parties concerned, may deem proper and more convenient.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adj. Genl.

G. O.: Headquarters, New York, 18th October, 1809.

Whereas General orders were heretofore issued organizing a company of Riflemen in the second Brigade of New York Militia and assigning William James McNeven as Captain, Robert Dillon as Lieutenant and John Gaynor as Ensign thereof, until the pleasure of the Council of Appointment shall be known;

And whereas the said orders directed that the uniform of the said Corps should be grass green rifle frocks and pantaloons with yellow fringe, black gaiters, round black hats with yellow buttons, black loops, and short green feathers;

And whereas the said orders having been lost, the Commander in Chief does therefore hereby renew the same, excepting that part only which relates to the wearing of hats, and directs that the said Company shall wear helmets.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adj. Genl.

G. O.: Headquarters, New York, 25th October, 1809.

The Commander in Chief does hereby brevet as Second Majors in the first Brigade of New York Militia, Captains Charles Christian and William M. Pluymert, who are to be assigned by Brigadier General Steddiford to the Regiments of Lieut. Col's Laight and Van Beuren; he also brevets as Ensigns in the Third Regiment of the said Brigade, James Oakley, Peter Tooker, John W. Jarvis and John W. Brower, until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

THE DECISION IN THE FERRIS COURT MARTIAL CASE.

G. O.: Headquarters, New York, 28th Octob., 1809.

The Commander in Chief having received the proceedings of the Court Martial held in pursuance of general orders of the 5th and 17th instants and having maturely considered the same, deems it his duty, previously to issuing any final orders thereupon, to desire the said Court to review and reconsider their decision and proceedings of the eighteenth instant, upon such

further views and considerations of the subject as shall be presented to them by the Judge Advocate; and accordingly directs that the President and Members of the said Court assemble at the City Hotel on Broadway in the City of New York on the Ninth day of November next at ten o'clock in the forenoon to review and reconsider their said decisions and proceedings.

The Judge Advocate is requested to cause the requisite Notice of such meeting to be given.

By order of the Commander in Chief:

Wm Paulding, Jun., Adj. Genl.

EXEMPTS ORGANIZE AN ARTILLERY COMPANY.

G. O.: Headquarters, New York, 6 November, 1809.

Whereas a number of persons, inhabitants of the City and County of New York, being severally exempted from military duty on account of Services in the late war, or age, have associated themselves together and formed a company, pursuant to the thirty fifth Section of the Act of the Legislature of the State of New York, entitled, "An Act to Organize the Militia of this State," passed the 29th day of March, 1809;

And, whereas, the said persons have signed a Roll pledging themselves to bear arms and take the field in the said City and County of New York, or the Counties of Kings, Richmond and Westchester, in the State of New York whenever the same or any part thereof may be or is likely to be invaded;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said Act, does hereby organize the said association as a company of Artillery, and does commission by Brevet, John McLean as Captain, Richard Nixon as

first Lieutenant, and John S. Delamater as second Lieutenant thereof.

By order of the Commander in Chief:

Wm. Paulding Jun., Adjutant General.

GOVERNOR TOMPKINS DISAPPROVES OF THE FINDINGS IN THE FERRIS
COURT MARTIAL CASE.

G. O.: Headquarters, Albany, 30th Nov'r, 1809.

The proceedings of the second meeting of the Court Martial for the Trial of Capt. David Ferris having been reported to the Commander in Chief on Tuesday, the twenty first instant, and he having duly considered the same, feels it incumbent upon him to assign in orders the reasons which have constrained him to disapprove not only the decision made by the said Court on the ninth Instant, but also its determination on the Eighteenth day of October. In doing this he is persuaded the members of the Court will duly appreciate his motives which arise from a sense of duty and in justification of an honest difference from them in opinion, and that this cause will be regarded as perfectly consistent with the sentiments of confidence and respect which he entertains for all the Members of the Court.

In the exercise of their discretion on the Eighteenth day of October, the Commander in Chief feels persuaded that the case cited* as the inducement to that decision was wholly irrelevant, and bore no resemblance to the case then before them, and he will advert to a few of the circumstances which constitute the inapplicability of Powlett's case.

I. That was a Naval Court Martial, the Officers composing

* 2d McArth, page 18.

which were in Actual Service. The adjournment solicited was to obtain the attendance of Witnesses beyond sea, the period of whose return was wholly uncertain; and, therefore, the adjournment must have been to a remote period, and the public Service in the meantime, might have been prejudiced by the detention therefrom of the high and respectable Officers who composed the Court.

II. The charges were in that case exhibited by an individual who had been previously arrested and convicted upon charges presented against him by Capt. Powlett, from which fact the Court might reasonably presume that the charges before them arose from a disposition to retaliate or from malicious motives.

III. The application for postponement in that case, was to a remote and uncertain period and neither stated that any measures had been taken to prevent the witnesses from departing nor disclosed their names or number, nor the places to which they had gone, nor the points to which their Testimony would be material. It did not appear possible to assign a remote day at which those witnesses would be more likely to attend; and therefore it was deemed not reasonable to put off the trial to a distant and uncertain day.

IV. In that case there was an existing Judge Advocate with whom the accuser might have consulted preparatory to the meeting of the Court, and from whom he might have obtained advice and summonses for his witnesses.

In comparing the above circumstances with those under which the Court Martial convened on the Eighteenth day of October last, made their decision, it will be observed:

I, That in the latter case none of the officers composing the Court were in actual service; their residence enabled them to at-

tend the Court at any time without much inconvenience to themselves and without any detriment to the public. The defendant also resided in the town where they met.

II. The charges before the Court were not exhibited by an individual but proceeded from the report of a Court of Inquiry. There was, therefore, no ground for presuming malice or persecution in the charges; and those charges expressly referred to an individual whose testimony must be presumed to be material and who also resided in or near the town where the Court was convened.

III. As the charges resulted from the proceedings of a Court of Inquiry, and as the Judge Advocate was appointed by the Court Martial on the spot, and desired an adjournment for a short period only to enable him to become acquainted with the duty assigned him, the reasonableness of adjourning to a remote and uncertain day could not have come in question.

IV. By the Laws of this State the Judge Advocate is to be appointed by the Court Martial. It is, therefore, impossible for the officer who organizes the Court to recognize any person as Judge Advocate until after the Court have convened and appointed one, and the person so appointed has accepted the trust; and, of course, no preparatory interview or consultation can be had. A reasonable opportunity of making himself acquainted with the case which he is to manage ought, therefore, and especially in cases where there is no private accuser, to be afforded the Judge Advocate.

It will be observed that from the manner in which these charges came before the Court, and the manner of constituting a Judge Advocate, there is but one alternative to prevent an invariable acquittal in the like cases, according to the precedent established;

and that is for the officer appointing the Court to combine the character of individual accuser with his official functions, and, previously to the first meeting of the Court, to examine and subpoena witnesses and perform all the other offices incident to private accuser and Judge Advocate; which in the opinion of the Commander in Chief would be undignified and improper, and lead to prepossessions and prejudices unfavourable to an impartial review of, and decision upon the proceedings of the Court when reported to him; and he is, therefore, clearly of opinion, that in such cases the Court Martial ought to indulge the Judge Advocate with sufficient and reasonable time to notify the officer who has organized the Court, of his appointment. One day would have been ample in the present case for that purpose. Of the vicinity of the Commander in Chief and Adjutant General to the meeting of the Court Martial, no doubt could have been entertained, because on the very day of their Meeting, General orders were issued authorizing the Court to adjourn to another day, which orders were issued on the application of the President and obtained by a Member of the Court. It may be fairly concluded that those orders increased the expectation of the Commander in Chief of an adjournment of the Court for the purpose of giving him an opportunity of knowing who the Judge Advocate was.

If any affidavit of the materiality of witnesses should be suggested, it may be remarked that in cases resulting from the report of a Court of Inquiry, no one except the Officer issuing the Orders, or the Judge Advocate, can be officially called upon to make it, and this would be futile, since their belief of materiality must result from the proceedings of the Court of Inquiry, and that very evidence is here furnished to the Court Martial by the orders creating it.

The Commander in Chief could not, therefore, approve of the proceedings of the Court Martial on the eighteenth day of October last.

His reasons for disapproving the proceedings which took place at the meeting of the said Court on the Ninth day of November instant will now be assigned.

Inasmuch, as the General orders, referring the first determination back to the Court Martial, were issued within fifteen days after their proceedings were reported to the Commander in Chief, he entertains an opinion that the question agitated before the Court, and upon which they decided, could not arise at that time, whether the orders remitting the proceedings amounted to a disapproval thereof or not. The Court must be deemed still in possession of the said proceedings under a course of review and reconsideration, and, therefore, the provisions of the statute could not apply until after those proceedings had been, upon such review and reconsideration, disposed of and reported. But whether this opinion be correct or not, he entertains no doubt that those orders were to be received and acted upon as orders containing a disapprobation of the former decision.

It cannot be deemed necessary to constitute orders of approval or disapproval, that those express words should be contained in the orders. It is abundantly sufficient if they virtually and substantially comprise them. It is usual and certainly the most delicate and respectful course to make a request in orders which is considered equivalent to and effectually a command.

Courts Martial being generally composed of officers of respectable standing, of sensibility and honor, orders addressed to them should be worded in the most delicate and respectful terms, and more particularly orders which, but for the delicacy of expression,

may contain an impeachment of their discernment or decisions. A contrary course would not only be painful to the officer issuing such orders, but might tend to offend or prejudice the members of the Court so as to preclude an impartial and candid review of the point which they had previously decided.

These considerations, with the advice and approbation of the Adjutant General and Judge Advocate, operated upon the Commander in Chief to be circumspect and delicate in the order for review and reconsideration; which inducements he is apprehensive were not duly appreciated by the Court at their last meeting. He considers that the inevitable inference to be drawn from by the Court from that order, was that he disapproved of their former decision.

I. Because the exercise of the authority of an Officer, to refer back to the proceedings of a Court Martial for their review, is by usage and authority predicated solely upon his disapprobation of their proceedings.*

II. Because as the former decision of the Court was upon a simple point without any Testimony, a request to review that decision would be nugatory and absurd upon any other ground than such disapprobation.

III. Because the order referred the Court to the Judge Advocate (who is an adjunct and adviser of the Court and appointed by themselves) for the views and considerations which induced the Commander in Chief to make the request; which views and considerations were the reasons assigned to him by the Commander in Chief for his disapprobation of the former decision, and ought to be taken in connection with, and as collateral to, the order.

* Macomb pa. 32 et 32.

The order, therefore, exercising an authority which only exists in case of disapprobation, which would be nugatory and absurd, upon any other principle, and which referred the Court to their Judge Advocate for the reasons of it, ought in the opinion of the Commander in Chief to have been deemed and taken by the Court as a virtual disapprobation of their prior proceedings, and to have been proceeded upon as such.

But the difference in opinion which has existed between the Court and the Commander in Chief, as to the matters upon which the Court has heretofore acted, excites in his mind a belief that it would not be acceptable to the Court to place the proceedings again before them, and that no beneficial consequences would result from the exercise of that authority. The Commander in Chief, therefore, dissolves the said Court Martial, of which General Morton is President, and directs that Captain David Ferris be discharged from his arrest. The said Captain Ferris, however, will not resume the command of his company until further General orders to that effect.

By order of the Commander in Chief:

Wm. Paulding Jun'r, Adjutant General.

THE YATES COURT MARTIAL CASE.

G. O.: Headquarters, Albany, 16th December, 1809.

The proceedings and determination of a Court Martial, whereof Brigadier General Samuel Ten Broeck is President, for the trial of Lieut. Col. Adam Yates, and the division orders thereon (which proceedings and orders are annexed to this general order), have been brought before the Commander in Chief upon an appeal therefrom by the said Lieutenant Col. Adam Yates. It appears that the said Lieut. Col. Adam Yates upon being re-

quired by and before the said Court to plead to the charges exhibited against him, presented the following preliminary objections, viz.:

1st, "That by the Militia Law the divisions of Militia are composed of citizens liable to perform Military duty, residing within the limits of each division; and that the said David Thomas Esquire, under whose orders this Court is convened, had previous to issuing said orders, moved out of the limits of the division to which Lieut. Col. Yates belongs, and has thereby, according to the Spirit of the Militia Law, relinquished the command of the said division, by reason whereof the order appointing this Court is to be considered as null."

2nd, "That admitting the said David Thomas to retain his authority as Major General of the said division, the present arrest of Lieut. Col. Yates is illegal, inasmuch as the said Lieut. Colonel had been previously arrested on the same charges by Brig'r Gen'l Moffitt, pursuant to orders of the said David Thomas for that purpose, of which arrest due notice was given to the said David Thomas, who neglected to order a Court Martial for the trial of the said Colonel according to law."

3, "That the present arrest of Lieut. Col. Yates is illegal because made by the said David Thomas in person, when he (if he retains his command as Major General) is the officer designated by Law to appoint the Court Martial for the trial of the accused, and to revise and approve or disapprove the sentence of the Court."

4, "That inasmuch as it appears from the arrest that the charges against Lieut. Col. Yates are exhibited by inferior officers, to wit, Capt. Young and Lieut. Higbie, those charges should have been investigated by a Court of Inquiry and do not afford a legal ground of arrest in the first instance."

That the said Court, after mature deliberation thereon, decided that the first and third objections were not sufficient in law to preclude the Court from their jurisdiction to hear and determine the charges exhibited against the said Adam Yates, or to exonerate or excuse him from further answering the said charges, and that the said Adam Yates do further answer the same charges.

That the said Court also decided that the fourth objection and the matter therein contained are a sufficient answer in Law to preclude the Court from further hearing and determining the said charges, and that the said Adam Yates is not obliged further to answer the said charges, and that he be not held further to answer before the Court the said charges.

That by Division orders of the 24th of November, 1809, the Major General approves of the Decision of the Court Martial upon the first and third objections and disapproves their decision in respect to the fourth objection. The appeal of Lieut. Col. Adam Yates is from the decision of the Court Martial, and the determination of the Major General thereon, and requests the Commander in Chief to review the whole of the said proceedings.

The Commander in Chief cannot forbear in this place to mention his regret that the Court Martial did not dispose of all the pleas or preliminary objections at their first meeting. By the proceedings accompanying the present appeal there appears no adjudication upon the second objection of Lieut. Col. Yates. It was not proper to waive the determination of one objection merely because the decision of another was in favor of the defendant. In the event of the reversal of such decision by the officer instituting the Court or upon an appeal, the Court must

at the second meeting determine upon the remaining objection from which decision a second appeal may be preferred and thus, in a supposable case, a succession of appeals from the determination of the preliminary objections might follow to the great delay of Justice and to the unnecessary trouble and expense of the parties, the Court and the officers empowered to review such decisions.

The Commander in Chief is, therefore, clearly of opinion that the judgment of the Court Martial ought to have exhausted all the preliminary objections presented, and that their omission in this instance to decide upon the second, affords in his mind, a sufficient reason for remitting the proceedings. But, as the appellant has desired him to review all the proceedings which were annexed to the appeal, and as that course will perhaps be most satisfactory to the Court, the Commander in Chief proceeds to notice the first, third and fourth objections, separately and in the order in which they were preferred before the Court:

I. The officers of the Militia of this State derive their appointments from, and hold their commissions during the pleasure of the Council of Appointment. The Statute organizing the Militia makes no provision for the suspension of the command or duties of an Officer in consequence of absence or removal from the limits of the Corps. The Act amendatory of the Militia Law passed April 18th, 1787, contains a provision, that Captains, Lieutenants and Ensigns, thereafter to be appointed should reside within the beats of their respective companies. The inference to be drawn from that provision is that other officers than those specified were not required to reside within the limits of their command, and also that antecedently to such provision, residence within the company beat was not an indispensable qualification even for a Captain, Lieutenant or Ensign.

All the Militia Laws, since the Law of the United States upon the subject, have omitted that clause.

The Act of Congress, to which the State Law regulating the Militia is subordinate, organizes the Militia into divisions, &c., and provides that there shall be to each Division one Major General, &c., and neither the one nor the other contains any provision or direction relative to the residence of the officers within the limits of their respective command.

By the constitution of this State, members of the Assembly are to be chosen in each county by the electors *resident within such county*; but as there is no express provision in that instrument relative to the residence of the persons to be chosen, it has become recognized in practice and by Legislative construction that a Non resident may be elected and is entitled to the privileges and may exercise the powers incident to that office. This construction of the constitution is analogous to that which the Court Martial have given to the Militia Law.

In the City of New York, appointments in the Militia have always been made without regard to residence within the limits of the Corps for which the appointment was made, and yet there exists no legal provision upon the subject peculiar to that city.

The public inconvenience which often attends the removal of a commanding officer in the country from the limits of his command has induced the Council of Appointment frequently to interfere. But such interference by them is a matter of discretion to be controlled by the circumstances of each case. A Lieutenant Colonel of the first Regiment of Cavalry retained and exercised his authority as a Military officer of this State for two years after his residence in the State of New Jersey, and was obeyed and respected during that time. But as his removal was to a place wholly with-

out the Jurisdiction of the laws of this State, and as some of the subordinate officers represented the inconvenience to which his non residence subjected them, the Council ultimately appointed the next officer in rank to the command of the Regiment. At the same session an application was made to the Council to supersede a Major of the New York Artillery because he had removed to, and for a considerable time had resided in Richmond County, out of the limits of his Regiment; but the Council refused in that case to interfere, inasmuch as the residence of the officer was within the State, and not so remote from the City of New York as to prevent him from attending to the duties of his office or to subject the other officers to any material embarrassment in communicating with him. The above instances are sufficient to shew that the Council of Appointment and sundry Military Officers do not consider a Military commission absolutely vacated by the residence of the holder within the bounds of another Corps. Should the Council refuse to supersede in consequence of a change of residence, there is still another remedy, which is, to cause an arrest and trial of the officer so changing his residence, if from its remoteness the duties of the office are neglected.

Upon the principle advanced in the objection now under consideration, the responsibility of an officer and his liability to arrest or trial would cease immediately upon the change of residence, and of course an offending officer might by removing out of the bounds of his corps, always escape with impunity.

The opinion of the Commander in Chief, therefore, is: that, as there is no provision in the Law upon the subject of residence, the authority and duties of an officer continue until he is superseded by the Council of Appointment, or until his command ceases in consequence of some express provision of the Law regulating the

Militia; and that inferior officers and tribunals are, until one of those events happen, to obey and respect his orders without regard to the place of his residence. The decision of the Court Martial on the first preliminary objection is, therefore, approved.

III. The Militia Law contemplates an arrest by the same officer who is to appoint the Court Martial, because a Major General can be arrested by none but the Commander in Chief, nor can any other officer constitute a Court Martial for his trial or review the proceedings of such Court.

The same thing is contemplated by the Act, and must necessarily take place in all cases where the Officer arrested is next in command to him, who is authorized to institute a Court Martial. The Militia Law therefore, does not deny, but indeed expressly recognizes the power of arrest in the same officer who is to appoint the Court Martial. In many cases there would be a failure of Justice without it, and in no instance is there reason to apprehend any injurious consequences from its exercise, since the officer who abuses his authority in that respect, is amenable therefor, and an appeal both from his and the Court's decision is allowed in every case. An arrest of an officer of the Militia is a formal act and subjects the arrested party to no imprisonment, bail, or other hardships, and is much less injurious to him than an arrest by process at Civil Law. It would be more reasonable to prevent a Judge from presiding at the trial of a Man apprehended for a crime upon his warrant, or a Sheriff who had executed it from summoning a Jury, than to preclude a Military Officer from appointing a Court Martial merely because he had ordered or made the arrest of the accused upon charges exhibited by a third party. Such objection, however, to a Judge or Sheriff would hardly be countenanced; much less ought it to be supported

against the Military Officer because in his case the Act of Arrest is not so likely to create bias, prepossession, or prejudice, against the officer arrested.

In the case of a captain who was tried under the Militia Law of this State in 1802 the facts were, that he was arrested by the Commandant of the Brigade upon charges exhibited by the said Commandant, and, upon his arraignment before the Court Martial appointed by the same Commandant, the Defendant objected to the charges as not being sufficiently particular and specific; whereupon the Court Martial determined that the said charges were not sufficiently particular, and discharged him from his arrest accordingly. The charges were then made in a more certain and specific form; the Captain arrested a second time, thereon, and a Court Martial appointed and convened for his trial. Before that Court he made preliminary objections, and amongst others assigned the former arrest and proceedings, and also that the arrest was made by the same officer who exhibited the charges and organized the Court. These objections were overruled, and the Defendant convicted and sentenced. The sentence having been sanctioned by the Commandant of the Brigade, an appeal was presented to the Commander in Chief, who also approved of the proceedings, dismissed the appeal and ordered the sentence to be carried into execution.

The preceding considerations and precedents induce the Commander in Chief to confirm the decision of the Court Martial, upon the third preliminary objection.

IV. The Commander in Chief, not being furnished with the reasons of the appellant or his counsel in support of the objections, is at a loss to conjecture upon what authority, military usage, or statutory provision, the fourth is predicated. The ob-

jection is, that, as the charges are presented by an inferior against a superior officer, a Court Martial has no jurisdiction to try them until they have been investigated by a Court of Inquiry. If there be any forcible reason for the previous institution of a Court of Inquiry arising out of the relative grade of the parties, it would seem to be in the case of charges exhibited by a superior against an inferior officer; because there is more danger of persecution and oppression in that case. A subordinate officer will be cautious of bringing forward frivolous charges against his Commandant for even an acquittal from such charges will invariably be attended with some resentment on the part of the latter, which will render the situation of the former more unpleasant, and perilous than would be the situation of the superior officer in a reversed case. The objection does not appear to be warranted by precedent or usage. A multitude of instances in every service might be adduced of Trials by Court Martial of superior officers, upon charges exhibited by inferior, without the previous institution of a Court of Inquiry. The Commandant of the Sixth Regiment of United States Infantry has very recently been brought before a Court Martial upon the complaint of inferior officers. No Court of Inquiry was previously instituted although there existed an authority for it, and altho the relative grade of the accusers and accused was the same as in this case. The trial of Vice Admiral Griffin upon the complaint of Captain Powlet, and of Capt. Tichborne upon the complaint of Lieut. Fynmore are two of the numerous instances of the like trials in Great Britain. The objection of Lieut. Col. Yates does not, therefore, according to Military usage and precedent, oust the Court Martial of its jurisdiction. It is, therefore, proper to enquire whether there be any statutory provision in this State which renders a Court of Inquiry

an indispensable preliminary here in the particular case of charges brought by an inferior against a superior officer. In England, custom has introduced and sanctioned Courts of Inquiry, but their authority and use have never been regularly ascertained and defined. In the army of the United States, such Courts are expressly prohibited unless directed by the President of the United States or demanded by the accused. In the Militia of this State they derive their Statute origin from an Act supplementary to the Militia Law passed in April 1803. That Statute authorized the Commander in Chief to institute them upon complaint in writing by one commissioned officer against another for improper conduct degrading to his office.

By the then existing Laws the Jurisdiction of a Court Martial was limited to a refusal or neglect to perform the duties of an office. The intent of Courts of Inquiry, therefore, was not only to investigate charges as preparatory to a Court Martial, but also to investigate improprieties for which the Council of Appointment might supersede the officer, although such improprieties were not cognizable by a Court Martial. The late Militia Law extends the right of appointing Courts of Inquiry to Commandants of Divisions and Brigades in the same cases in which the Commander in Chief could alone appoint them before. But there is no provision which renders them indispensable in any case. On the contrary the Statute merely delegates to certain officers the power of instituting them, *when they shall think proper*. A prosecution may be brought in a Court Martial by a Non commissioned Officer or private, or by an individual not himself subject to Military jurisdiction;* in all of which cases no Court of Inquiry can precede the institution of a Court Mar-

* 2 McArthur, page 4; McComb, page 60.

tial inasmuch as the statute only authorizes the former upon the complaint in writing of a commissioned officer. There is no difference between the power conferred by our Statute and the power derived from Military usage in England, so far as respects the right of the accused to demand an Inquiry, or the obligation of a superior officer to institute one where a Court Martial is solicited in the first instance.

Courts of Inquiry are principally if not solely, organized in cases where the impropriety complained of (although degrading to the officer himself and wounding to the feelings and pride of his fellow officers) is not cognizable by a Court Martial, but may afford just cause for the Council of Appointment upon an unfavorable report to dismiss him; or where the facts to be investigated are doubtful and involved in a variety of collateral circumstances, or where there are several persons implicated in the same offence, and doubts are entertained to whom the culpability attaches, or where surveys or estimates relative to competency of provisions, Military Stores, or other equipments are to be made, or where demanded by an officer when rumors and reports have been circulated injurious to his honor and reputation, without being presented in the shape of specific and relevant charges. The cases of General (James) Wilkinson and Commodore (James) Barron (Barron) were both of the above description.

It is optional with the prosecutor to solicit a Court Martial or a Court of Inquiry, and it is discretionary with the officer to whom he applies to institute the one or the other. When charges are certain, specified and relevant and embrace matter clearly cognizable by a Court Martial, and when the party complaining prays for such Court, it might be deemed unreasonable and arbitrary

to compel such party against his wish to incur the double trouble and expense of prosecuting them both before a Court of Inquiry and a Court Martial. Whether the instituting Officer in any particular case exercises proper discretion in appointing a Court Martial in the first instance or not is a question not cognizable by a Court Martial created by him for the trial of another person. If such officer abuse his discretion, he is amenable, therefore, before another Tribunal.

In the case now under consideration the Major General had no power to direct a Court of Inquiry, but had power to organize a Court Martial, and would have been culpable in refusing if the charges presented to him were in his opinion actionable.

After mature deliberation and reflection the Commander in Chief, with deference to the opinion of the Court Martial, is constrained to disapprove of its determination upon the fourth preliminary objection of Lieutenant Colonel Yates, and accordingly confirms the opinion of Major General Thomas thereon.

The appeal of Lieut. Col. Yates is therefore dismissed, and Major General Thomas is directed to issue such further order, and adopt such further proceedings in the premises as may be proper and legal.

By the Commander in Chief:

Daniel Rodman, Aid-de Camp.

THE GOVERNOR SUSTAINS THE DECISION OF ANOTHER COURT-MARTIAL.

G. O.: Headquarters, Albany, 15th February, 1810.

The Commander in Chief having maturely considered the appeal of Capt. Gilbert Seaman of the first Regiment of the first Brigade of Militia in the City and County of New York from the

sentence of the Court Martial instituted for his trial and the Brigade orders of 20th Dec'r, 1809, approving in part of the same, cannot discover any just cause for disapproving of the said Brigade orders, and directs General Steddiford to cause the same to be carried into execution.

By order of his Excellency:

Sol. Van Rensselaer, Adj. Genl.

AN OVERSIGHT CORRECTED.

G. O.: Headquarters, Albany, March, 1810.

In a Division of the fifth Division of Infantry of the Militia of this State, by General orders of the seventh day of April, 1809, the Brigade in the County of Otsego was by mistake not assigned to any Division. The Commander in Chief therefore, orders that it be annexed to the sixth Division.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

A RIFLE COMPANY ORGANIZED IN NEW BALTIMORE.

G. O.: Headquarters, Albany, May 7, 1810.

The Commander in Chief having perused the petition of Benjamin Baker, Storm A. Vanderzee and others, praying the organization of a Company of Riflemen at the village of New Baltimore, in the County of Greene, and deeming it proper to grant the prayer thereof, hereby organizes the said Company of Riflemen, and assigns John Marshall Captain, Smith Dunning Lieutenant, and John Stone Ensign thereof, until the pleasure of the Council of Appointment be known in the premises. The said company until further orders will be attached to and parade with Lieut. Col. Bronk's Regiment of Militia and will be uniformed as follows:

Green Rifle frocks and Pantaloons with yellow fringe and buttons, black gaiters, round black hats, with yellow buttons, black loops and short Green feathers.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

AND ONE IN RENSSELAER COUNTY.

G. O.: Headquarters, Albany, 10th May, 1810.

The Commander in Chief does provisionally organize a Rifle Company in Lieutenant Col. Cornelius J. Schermerhorn's Regiment in the County of Rensselaer and assigns Joel Bristol as Captain, William Carmichel as Lieutenant and Wallace St. John as Ensign thereof, until the pleasure of the Council of Appointment be known. The uniform of the said company will be Green Rifle frocks and pantaloons, with yellow fringe and buttons, black gaiters, round black hats, with yellow buttons, black loops and short Green feathers.

By order of His Excellency:

Sol. Van Rensselaer, Adj. Genl.

A REARRANGEMENT OF CAVALRY SQUADRONS.

G. O.: Headquarters, Albany, Sep'r, 1810.

It having been represented that the Division of the Squadrons of Col. Westerlo's Regiment of Cavalry as established by former General orders is not so convenient as the one hereinafter directed, the Commander in Chief directs that hereafter the Troops commanded by Captains Lester, Brown, Shears, Hotchkiss, and Cooke, compose the first Squadron, of said Regiment, to be commanded by Major Appollos Moore, and the Troops commanded by Captains Van Kleeck, Schuyler, Vought, Thorne, Youngs and

Van Der Heyden, compose the second Squadron, under the command of Major Van Voorst.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

G. O.: Headquarters, Albany, October 2nd, 1810.

The persons recommended for Staff Officers of the Eighth Regiment of Cavalry commanded by Lieut. Col. Wm. Whipple, having been by mistake appointed as a Squadron Staff instead of Regimental Staff, and it having been represented by the said Lieut. Col. that the discipline of the said Regiment requires that the said persons so recommended and appointed by mistake as aforesaid, should be empowered as soon as convenient to Act in the several capacities for which they were returned, the Commander in Chief, therefore, hereby assigns and brevets Oran E. Baker, Adjutant; Daniel Le Roy Quartermaster, and Cornelius Cuyler, Paymaster, of the said Eighth Regiment of Cavalry, who will respectively officiate in those offices and be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known.

Lieut. Col. Whipple is directed to make a timely return to Brigadier General Platt, of the vacancies and occurrences in his Regiment, including in said return for commissions the Staff Officers brevetted by this order.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

REDISTRICTING THE BRIGADES IN NEW YORK CITY.

G. O.: Headquarters, New York, May 14th, 1810.

It having been manifested by the enrolment and inspection returns of the two Brigades of Militia in New York, that they

are unequal in number and that an alteration in the division line established by General Orders, May 6th, 1809, has become necessary, the Commander in Chief therefore, directs that from and after the date hereof, the Second Brigade of Militia in the City and County of New York shall be bounded as follows, vizt:

Beginning at the middle of Marketfield Street at the North River, thence Easterly along the middle of said street to Broadway, thence along Broadway Northerly to the middle of Beaver Street, thence Easterly along the middle of Beaver Street to Broad Street; thence Northerly along the middle of Broad Street, Nassau Street, and Chatham Street to the Bowery road; thence along the middle of the Bowery Road to the corner of the Bloomingdale and Boston Post roads, thence along the middle of the old Boston Post road to the North East corner of the Kips-Bay farm; thence along the easterly side of said farm to the East River; thence along the shore of the East River and round the Battery to the place of beginning.

And that the first Brigade of Militia in said City and County shall hereafter comprehend all the residue of the said City and County of New York.

The Commandants of the said respective Brigades will forthwith make such arrangements and issue such Brigade orders as will give immediate effect to this General order.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and A. D. C. to the Com. in Chief.

PROMOTIONS AND ASSIGNMENTS.

G. O.: Headquarters, New York, May 21st, 1810.

It having been represented by Lieut. Col. Saltus, of the third Regiment of the first Brigade of Artillery in New York that there

is a vacancy for one captain in his Regiment, and that Lieutenant Barent Andariese is entitled by rank to fill the vacancy;

The Commander in Chief, therefore, at the request of Lieut. Colonel Saltus, hereby brevets and assigns the said Lieutenant Andariese as a Captain in the said Regiment until provision be made in the premises by the Council of Appointment; and directs that the said Barent Andariese be obeyed and respected as Captain accordingly, until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp to the
Com'r in Chief.

G. O.: Headquarters, New York, June 6th, 1810.

It having been represented by Lieutenant Col. Saltus of the third Regiment of the first Brigade of Artillery in New York that there is a vacancy for Surgeon in his Regiment, and that Stephen D. Beekman of the City of New York is a suitable person to fill the vacancy, the Commander in Chief therefore, at the request of Lieut. Col. Saltus, hereby brevets and assigns the said Stephen D. Beekman as Surgeon in the said Regiment, until provision be made in the premises by the Council of Appointment, and directs that the said Stephen D. Beekman be respected accordingly until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Robert Macomb,
Lt. Col. and Aid-de-Camp to the Com'r in Chief.

G. O.: Headquarters, New York, June 12th, 1810.

It having been represented by Lieut. Col. Dodge that there are three Vacancies for Ensigns in his Regiment, and that Peter

Jay, Thomas Alsop, and James Graham are suitable persons to fill the said Vacancies, the Commander in Chief therefore, at the request of Lieut. Col. Dodge, hereby brevets and assigns the said Peter Jay, Thomas Alsop and James Graham as Ensigns in the Regiment of Lieut. Col. Dodge, until provision be made in the Premises by the Council of Appointment, and directs that they be obeyed and respected accordingly until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, June 12th, 1810.

It having been represented by Lieut. Col. Jonas Mapes, that there are Vacancies for four Ensigns in his Regiment, and that Samuel S. Dunscomb, Ichabod Burnet, John Ogden Dey, and Abraham Van Nostrand are suitable persons to fill said Vacancies; and it having likewise been represented by Lieut. Col. Dodge that there are vacancies for two Ensigns in his Regiment, and that Samuel Darling and William Moores are suitable persons to fill the last mentioned Vacancies;

The Commander in Chief therefore, at the request of Lieut. Col. Mapes and Lieut. Col. Dodge respectively, hereby brevets and assigns the said Samuel S. Dunscomb, Ichabod Burnet, John Ogden Dey and Abraham Van Nostrand as Ensigns in the Regiment of the said Lieut. Col. Mapes, and the said Samuel Darling and William Moores as Ensigns in the Regiment of Lieut. Col. Dodge, until provision be made in the premises by the Council of Appointment.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-camp.

G. O.: Headquarters, New York, June 12, 1810.

It having been represented by Lt. Col. Saltus that there is a Vacancy for Surgeon in the Regiment under his command, and that Stephen D. Beekman is a suitable person to fill said vacancy, the Commander in Chief therefor, at the request of Lt. Col. Saltus, hereby brevets and assigns the said Stephen D. Beekman as Surgeon in said Regiment, until provision be made in the premises by the Council of Appointment.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, June 12, 1810.

It having been represented by Lieut. Col. Ward that there are Vacancies for three Ensigns in his Regiment, and that Shivers Parker, William A. Russel, and George B. Thorp are suitable persons to fill the Vacancies, the Commander in Chief therefore, at the request of Lt. Col. Ward, hereby brevets and assigns the said Shivers Parker, William A. Russel and George B. Thorp as Ensigns in said Regiment, until provision be made by the Council of Appointment, and directs that they be respected accordingly until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Robert Macomb,

Lt. Col. and A. D. C. to the Com. in Chief.

G. O.: Headquarters, City of New York, June 22nd, 1810.

Lieut. Col. John W. Mulligan having represented to the Commander in Chief that there are three Vacancies for Ensigns in his Regiment, and that Ephraim Martin, Adam D. Mount, and John S. Robinson are proper persons to fill those vacancies. His Excellency has been pleased, at the request of the said Lieut. Colonel

Mulligan to assign and brevet the said Adam D. Mount, Ephraim Martin, and John S. Robinson as Ensigns in said Regiment.

And his Excellency directs that the persons hereby brevetted and assigned as Ensigns, be respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, July 2nd, 1810.

His Excellency the Commander in Chief has been pleased, upon the recommendation of Brigadier General Morton, to assign and brevet John L. Morton as second Lieutenant in Colonel Curtenius's Regiment.

And his Excellency directs that the said John L. Morton be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, July 10th, 1810.

The Commander in Chief has been pleased, on the recommendation of Lieut. Col. Mulligan, to assign and brevet Benjamin Underhill Coles of the City of New York as an Ensign in the Regiment of the said Lieut. Col. Mulligan.

And His Excellency directs that the said Benjamin Underhill Coles, be respected and obeyed accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, July 13th, 1810.

The Commander in Chief has been pleased, on the recommendation of Major Gerard De Peyster, of the first Regiment of the first Brigade of New York Militia, to assign and brevet George Gallagher, Lemuel H. Osgood, Charles Keeler, Charles G. Jones, and Edward Suffern, of the City of New York, as Ensigns, and Doctor James R. Manley, of the same City, as Surgeon's Mate, in the Regiment above mentioned.

And His Excellency directs that the persons so as aforesaid assigned and Brevetted be respected and obeyed accordingly until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aide-de-Camp.

ANOTHER DISPUTE RELATIVE TO RANK.

G. O.: Headquarters, New York, June 12th, 1810.

It having been represented that a dispute has arisen, and is yet undetermined, as to the rank of Capt. John Lemaire and Captain Thomas C. Butler, both of the first Regiment of the first Brigade of New York Artillery;

The Commander in Chief is therefore pleased to constitute and appoint Lieutenant Col. Saltus of the Artillery, Lt. Col. William Paulding Junior of the Infantry, and Major James Warner of the Cavalry, a Board of Officers to settle the said rank; and the Commander in Chief directs that the said board forthwith report the result of their proceedings at Headquarters.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

ALTERING A CAVALRY UNIFORM.

Headquarters, New York, July 19th, 1810.

An application having been made to the Commander in Chief to authorize an alteration in the Cavalry Uniform, so far as respects a Troop whose Officers were Commissioned last Winter in the Northern part of Westchester County, and whereof Cornelius Brown was appointed Captain; and it appearing that the uniform hereinafter mentioned will correspond better with the uniform of the Westchester Squadron than that prescribed by Law;

The Commander in Chief, therefore, pursuant to the authority vested in him by the 18th section of the Militia Law, authorizes the said Troop of Cavalry to uniform and equip themselves with blue coats, buff facing, lining, cuffs and collars, and buff coloured underclothes.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and

Robert Macomb, Lt. Col. and Aid-de-Camp.

FOR THE CONVENIENCE OF THE TROOPS.

G. O.: Headquarters, City of New York, July 24th, 1810.

The officers of the first Squadron of the Second Regiment of Cavalry under the command of Lieutenant Colonel George D. Wickham, having presented a petition to the Commander in Chief, stating the inconveniences arising to the said Squadron from the great extent of the Regiment to which it is attached, from the distance of said Squadron from the residence of the Commandant of the Regiment, and particularly from the circumstance of said squadron being separated from the other

Squadrons of the Regiment by the Hudson River, and, therefore, praying that the said squadron may be made and constituted a distinct and separate Regiment;

His Excellency having taken into consideration the subject of said petition, is pleased to make and constitute the said squadron a distinct and separate Regiment, to be divided into two Squadrons; the first to be composed of the troops now commanded by Captain Pitcher, Captain Livingston and Captain Bryan; the second to be composed of the troops now commanded by Captain Ferris, Capt. Lownsberry and Capt. Haxton.

And His Excellency directs that Major Sayres, now commanding the Squadron, hereby made and constituted a Regiment, do take command of said Regiment as Lieut. Col. Commandant, until further orders, and that he forthwith issue Regimental orders, assigning the two oldest captains to the command of the two squadrons, into which the said Regiment is divided as Majors.

And His Excellency is further pleased to assign and Brevet Walter Evertsen as Adjutant, George Toffy as Quartermaster and Abraham Bockee as Paymaster of the said Regiment.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

GREENBUSH FLOURISHING WITH A BATTERY OF ARTILLERY.

G. O.: Headquarters, City of New York, July 24th, 1810.

A petition having been presented to the Commander in Chief, signed by Rinier Van Alstyne, Peter Van Alstyne, and sundry other persons of Greenbush in the county of Rensselaer, praying that they may be organized into a Company of Artillery;

His Excellency, having taken into consideration the subject of the said petition, has been pleased to make and constitute the said

Persons a company of Artillery in the second Regiment of the second Brigade, which said Regiment is commanded by Lieut. Col. Stephen Thorne.

And his Excellency is further pleased to assign and Brevet Martin Van Alstyne as Captain, Nathaniel Payne as first Lieutenant, and Rinier Van Alstyne as second Lieutenant in the said Company.

And his Excellency directs that the persons hereby brevetted and assigned as aforesaid, be respected and obeyed accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

ANOTHER RIFLE COMPANY FOR NEW YORK CITY.

G. O.: Headquarters, New York, Aug'st 8, 1810.

It having been represented to the Commander in Chief that Capt. Gilbert Seaman, of the City of New York, and others have associated together and equipped themselves as a Rifle Company to be attached to the Second Regiment of the first Brigade of New York Infantry, commanded by Col. Ward;

His Excellency has thought proper to sanction and organize the said company as a Rifle Company, to be attached to Col. Ward's Regiment until further orders; and until the pleasure of the Council of Appointment be known in the premises, assigns Gilbert Seaman as Captain, John Sproull as Lieutenant and William Dutch as Ensign of said Company, who are to be obeyed and respected accordingly.

The uniform of said company will be Green Rifle frocks, and

pantaloon, hat turned up on one side with loops and buttons and short green feather.

By order of the Commander in Chief:

RESIGNATIONS, PROMOTIONS AND ASSIGNMENTS.

G. O.: Headquarters, New York, 10th Aug'st, 1810.

In consequence of the resignation of John Boscowan, second Lieutenant of Capt. Bogart's company of Horse Artillery in the City of New York, the Commander in Chief, at the request of Captain Bogart, has thought proper to direct that John Grafft act as second Lieutenant and George Merserue as Cornet of said Company, and that they be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be known.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, Aug'st 11th, 1810.

The Commander in Chief has been pleased, on the recommendation of Col. Ward, to assign and brevet John N. Lloyd and Gilbert Burling as Ensigns in the said Regiment of said Col. Ward.

And His Excellency directs that the said John N. Lloyd and Gilbert Burling be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Plattsburg, 23rd August, 1810.

Brigadier-General Benjamin Moores (Mooers) of Clinton County, is assigned to the Station of Quartermaster General of

the Militia of this State of New York, and is to be obeyed and respected therein, until the pleasure of the Council of Appointment in the premises be made known. The performance of the duties of Quartermaster General is not to prejudice his present rank in the line. During the time which Brigadier General Moores shall officiate as Quartermaster General, the command of the Brigade now under his command, will devolve on the Senior Lieutenant Colonel thereof, who will forthwith assume the command of said Brigade.

The Quartermaster General having signified his pleasure that Charles Baldwin, of the City of New York, Esquire, should be appointed aid in that department, the said Charles Baldwin is hereby announced as Aid-de-Camp to the Quartermaster General, and is to be obeyed and respected accordingly.

Mr. Dean Edson of Essex County, is assigned and will Act as Adjutant of Lt. Col. Daniel Wright's Regiment of Militia in said County and will be respected and obeyed as such, until the pleasure of the Council of Appointment in the premises be signified.

By order of the Commander in Chief:

TWO ADDITIONAL ARTILLERY COMPANIES.

G. O.: Headquarters, New York, September 15th, 1810.

A Petition having been presented to the Commander in Chief, signed by Robert Moores and others of Greenwich, in Washington County, praying that they may be organized as a Company of Artillery;

His Excellency, having taken the said Petition into consideration, has been pleased to make and constitute the said persons a company of artillery in Lieut. Col. Stephen Thorne's Regiment.

And His Excellency has been further pleased to assign and

brevet Robert Moores as Captain, Moses Cowan as first Lieutenant, and Israel Williams as second Lieutenant in the said company, which persons so assigned and brevetted are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, September 15th, 1810.

A Petition having been presented to the Commander in Chief, signed by Daniel St. John and others of Nassau, in the County of Rensselaer, praying that they may be organized as a Company of Artillery;

His Excellency having taken into consideration the subject of said Petition, has been pleased to make and constitute the said persons a company of Artillery in Lieut. Col. Stephen Thorne's Regiment.

And his Excellency has been further pleased to assign and brevet Daniel St. John as Captain, Joseph Benedict as first Lieutenant and Nathaniel Durry as second Lieutenant of the said company, which persons so assigned and brevetted are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

THE NEW YORK TROOPS ORDERED TO PARADE ON PETER STUYVESANT'S
BOWERY.

G. O.: Headquarters, City of New York, October 15th, 1810.

His Excellency the Commander in Chief, deeming it proper that the Militia of the City and County of New York, should

parade during the present year for annual review and inspection by Brigades, has therefore been pleased to order that both the Brigades of Militia in the City and County (except Lieut. Col. Perine's Regiment) parade for that purpose, completely equipped, on Tuesday 23rd instant, on the land belonging to the heirs of the late Peter Stuyvesant Esq'r, occupied by Mr. Abraham Boyce.

Brigadier General Steddiford will act as commandant of the Day, and will cause the line to be formed at Ten o'clock in the forenoon, and send Notice thereof to the Commander in Chief at Headquarters.

The New York Squadron of Cavalry will parade at the same time and place.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

ASSIGNMENTS.

G. O.: Headquarters, New York, Octob. 22nd, 1810.

The Commander in Chief is pleased, on the recommendation of Lieut. Col. Curtenius, hereby to assign and brevet John V. B. Varick as Captain, and John Gray and John McLeod as Lieutenants in the first Regiment of New York Artillery.

And His Excellency directs that the persons so as aforesaid assigned and brevetted be respected and obeyed accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, Oct. 22, 1810.

The Commander in Chief is pleased to assign and brevet ———
March as Second Lieutenant of the second Regiment of New
York Artillery, and Timothy Miller and Charles Town as sec-
ond Lieutenants of the first Regiment of New York Artillery.

And His Excellency directs that the persons so as aforesaid
assigned and Brevetted be obeyed and respected accordingly, un-
til the pleasure of the Council of Appointment be made known in
the premises.

By order of the Commander in Chief:

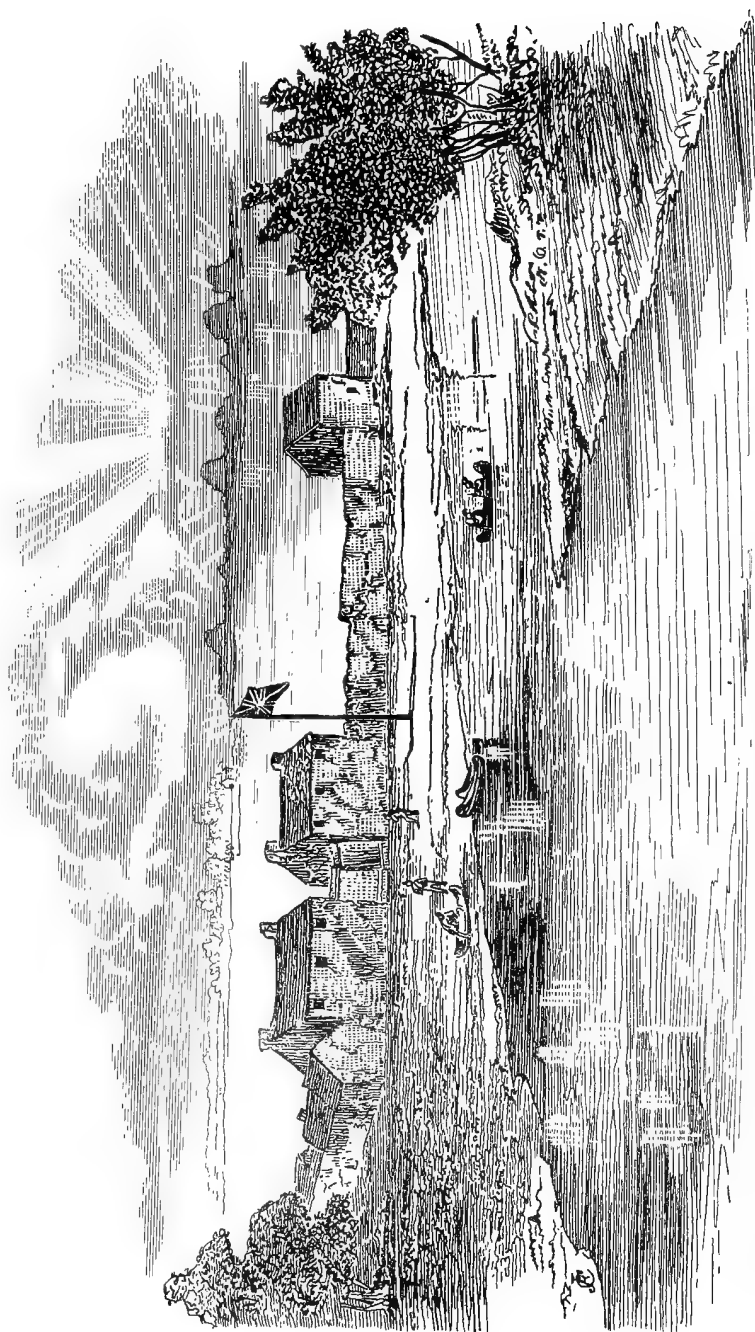
Robert Macomb, Lt. Col. and Aid-de-Camp.

THE GOVERNOR IN GENERAL ORDERS PRAISES THE NEW YORK TROOPS.

G. O.: Headquarters, New York, Nov'r 5th, 1810.

The Commander in Chief having finished the Brigade reviews
of the Militia in New York feels great pleasure in announcing
his satisfaction with their conduct and appearance. The evi-
dent improvement of the Infantry commanded by Generals Sted-
diford and Van Zandt, since he last had the honor of reviewing
them, is honorable both to the Officers and Soldiers. Major Mc-
Clure's Battalion of Riflemen, Major Warner's Squadron of Cav-
alry and the Independent Light Infantry and Rifle Companies,
particularly distinguished themselves in appearance, equipments
and discipline.

His Excellency notices also, with marked approbation, the
three Regiments of Artillery commanded by Lieut. Col's Cur-
tenius, Loomis and Saltus; and likewise Captain Bogart's Com-
pany of Horse Artillery, which were paraded under the command
of General Morton on the first instant. The uniformity and ele-
gance of their equipments, their attention and subordination,



Enlarged from Hough's History of St. Lawrence
and Franklin Counties.

FORT LA PRESENTATION.

and the promptitude and accuracy with which they performed the evolutions and exercises of the day, reflected honor on themselves and their country.

The Alacrity and zeal with which the General orders to parade for Brigade review have been obeyed, merit the greatest commendation and are particularly gratifying to the Commander in Chief.

By order of His Excellency:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

ST. LAWRENCE COUNTY'S TWO REGIMENTS.

G. O.: Headquarters, City of Albany, 4th March, 1811.

The Commander in Chief directs that the Militia in the County of St. Lawrence be divided into two Regiments, vizt: the inhabitants of all that part of the said County lying Westerly of a line beginning on the St. Lawrence River where the westerly bounds of the Town of Madrid begin, and running thence southerly along the westerly bounds of Madrid and Potsdam, to the Southwest-erly corner of Potsdam, thence easterly along the southerly line of Potsdam to the division line of great tracts No. 2 and 3 of Macomb's purchase, thence Southerly along the said division line to the south bounds of the said County, shall form one Regiment; and that the inhabitants of the said County residing to the Eastward of the said bounds shall compose another Regiment, and that the said two Regiments together with Col. Jacob Brown's Regiment of Militia in the County of Jefferson shall form one Brigade, and that the residue of General Martin's Brigade shall remain a separate Brigade under his command.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

ROCKLAND COUNTY FAVORED WITH A BRIGADE.

G. O.: Headquarters, City of Albany, 15th March, 1811.

The Commander in Chief directs that the Militia of Rockland County be, and they are hereby divided into two Regiments, and are detached from Brigadier General Reuben Hopkins' Brigade and are formed into a separate Brigade, under the command of Lieutenant Colonel Peter S. Van Orden, who will immediately organize the said Regiments and Brigade, and make a return of promotions and appointments in the same to the Adjutant General.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

A NEW CAVALRY SQUADRON FOR THE NORTHERN COUNTIES.

G. O.: Headquarters, City of Albany, 6th April, 1811.

Upon the recommendation of General Henry McNiell, late Commandant of the seventh Regiment of Cavalry, an additional Squadron is hereby organized, consisting of the Troops in the Counties of Jefferson, Lewis and St. Lawrence, to be called the third Squadron of the Seventh Regiment of Cavalry, and instead of the divisions of Squadrons in the other parts of the said Regiment heretofore established, the Troops in the County of Otsego alone shall compose the first Squadron, and those of the Counties of Oneida and Herkimer shall compose the second Squadron. The Commandant of the said Brigade is required to communicate a copy of this order to the Lieut. Col. of the said Regiment without delay, and the said Lieut. Col. is required forthwith to announce the same in Regimental orders.

By order of the Commander in Chief:

A BATTALION OF RIFLEMEN FOR RENSSELAER COUNTY.

G. O.: Headquarters, City of Albany, 6th April, 1811.

The Commander in Chief has heard with much satisfaction of the enterprising spirit and military ambition which prevails amongst the officers and soldiers of the Companies of Riflemen in the County of Rensselaer; and it having been represented to him that there are already three companies in the brigade of Militia in said County, each of which contains more than thirty Men uniformed and equipped according to Law, he does hereby, pursuant to the authority vested in him by the 23rd Sect. of the Militia Law of this State, direct that the rifle companies in the said Brigade be henceforth organized into a Battalion of Riflemen to be commanded by Major William S. Parker of Troy.

The following promotions and appointments have been made for the said Battalion:

William S. Parker, 1st Major,	Sidney Dole, Ensign
Comm't	Abraham A. Lansing, Jun'r
Henry Coon, Second Major	Ensign
Stephen Warren Captain	Joel Bristol, Captain
David Bell, Do	William Carmichael, Lieutenant
Jedediah Tracy, Lieutenant	Stephen Trip, Ensign
James Deforest, Lieutenant	

The Battalion hereby organized will parade twice in each year by Battalions, and four times by companies, at such times and places as the Major Commandant, with the approbation of the Commander in Chief, shall appoint. One copy of the annual inspection return of the said Corps will be furnished by the Commandant thereof, before the first day of September in each year, to the Brigade Major of Infantry in the said County of Rensselaer, and one other copy of said return to the Adjutant General

by the same day; and the said Commandant will hereafter, on or before the first day of January in each year, forward to the Brigadier General of the Infantry Brigade of Rensselaer County, a return of vacancies and casualties in the said Rifle Battalion, and of the persons entitled by rank to promotion in consequence of such vacancies, which said return the said Brigadier General is hereby directed to transmit with his annual return to the Adjutant General.

By order of the Commander in Chief:

Anthony Lamb, Lieut. Col. and Aid-de-Camp.

AN ARTILLERY REGIMENT CHANGED TO TWO REGIMENTS.

Headquarters, Albany, April 9th, 1811.

It having been represented to the Commander in Chief that it would accommodate the officers and soldiers of the Regiment of Artillery commanded by Lieut. Col. Henry R. Teller, to have the same divided into two Regiments, he does hereby direct that the Artillery companies in the counties of Albany, Greene, and Delaware be organized into a separate Regiment, to be called the third Regiment of the third Brigade, whereof Abel Watkins will be the Lieutenant Colonel, and Samuel Hamilton and William Dickson the Majors; the former of the first and the latter of the second Battalion.

That the first Battalion of the said Regiment shall consist of the Artillery companies in the counties of Greene and Delaware, and the second Battalion shall consist of the Artillery companies in the County of Albany.

Lieut. Col. Henry R. Teller is authorized and required to divide, in the most eligible manner, the residue of his Regiment into two Battalions, and to report the same forthwith to the Commander in

Chief, and to the Brigadier Genl. of the third Brigade, that the said Battalions may be confirmed in general and Brigade orders.

By order of the Commander in Chief:

ACTIVITY AMONG SCHENECTADY AND ALBANY TROOPS.

DEVELOPING A BATTALION INTO A REGIMENT IN SCHENECTADY
COUNTY, AND A BATTALION OF RIFLEMEN IN ALBANY.

G. O.: Headquarters, Albany, 9th April, 1811.

Pursuant to the due recommendation of Genl. Jacob Swits, that part of Major John V. A. Lansing's Battalion, which is within the County of Schenectady is hereby annexed to the Regiment in Schenectady heretofore commanded by the said Jacob Swits. The residue of Major Lansing's Battalion shall be and hereby is organized into a Regiment to be commanded by the said John V. A. Lansing as Lieut. Colonel Commandant thereof. General Swits is required to give immediate Notice of this General order and to cause the same to be promptly carried into effect.

By order of the Commander in Chief:

Anthony Lamb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, 17th April, 1811.

The Commander in Chief is much gratified with the spirit of enterprise and patriotism which the members of the Albany Rifle Companies have displayed since their organization, and with a desire to cherish that laudable military zeal which they have manifested, he has thought it proper to organize and hereby does organize a battalion of Riflemen in the Brigade of Infantry in the Counties of Albany and Schenectady, whereof Jacob Swits Esquire is Brigadier General. Capt. Samuel M. Lockwood is as-

signed as first Major and Commandant of the said Battalion. Capt. Darby Noon will act as second Major thereof, and John Van Vechten as Adjutant, Samuel North as Quartermaster and Stephen Lush, Jun'r, as Paymaster, until the pleasure of the Council of Appointment in the premises be made known.

Major Lockwood is directed to furnish the Adj. General by the fifteenth day of May next with a return of the promotions and appointments which will become necessary in said Battalion in consequence of the arrangements hereby established. The companies composing the said Battalion will parade four times by companies and three times by Battalion in each year at such times and places as the Commandant thereof shall appoint, unless the Commander in Chief shall think proper to direct the times and places of the said Battalion parades from time to time by General Orders. One of the Battalion parades will be for annual Review at the same time and place as the parade of the Albany Regiment for annual Review and Inspection, and the rifle corps will at that parade be under the command and subject to the Orders of the Brigadier General of Infantry.

The Commandant of the battalion now organized is directed to transmit to the Brigadier General of Infantry previously to the first day of January in each year a return of the casualties and vacancies in the said Battalion and of the persons entitled by rank to be promoted in consequence of the vacancies, and also of the Names of persons recommended to fill vacancies to which no particular person has by rank a legal claim.

A medal has been provided and will be presented to the Battalion to be awarded and given to that non-commissioned officer or private of the battalion who, after four trials of skill in firing with a Rifle at a Target shall be adjudged by the commissioned

officers or a majority of them, to be the best marksman. The trials will take place at two of the Battalion parades in each year & hereof the Commandant will give notice in Battalion orders at least six days before the respective days of trial.

The non-commissioned officer or soldier making the best shot at each trial until the fourth, will be entitled to retain the Medal until the next trial thereafter.

By order of the Commander in Chief:

Daniel Rodman, Aid-de-Camp.

CHANGES.

G. O.: Headquarters, Albany, 16th April, 1811.

Philip Streit, second Lieutenant of a company of Cavalry in the County of Albany, commanded by Captain Chauncey Humphries, having resigned his commission, the Commander in Chief has accepted the same, and, upon the request of Capt. Humphries and the other commissioned officers of the said Company, has assigned and brevetted Simon Bellamy, of Bethlehem, in the said County of Albany to be Second Lieutenant of the said company. He is therefore to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

Daniel Rodman, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, April 22nd, 1811.

The Commander in Chief is convinced that the fourth division of Infantry of this State is too extensive to enable the subordinate officers thereof to communicate with facility or convenience with the Division Officers or with each other;

He has, therefore, thought proper to direct that the fourth division be henceforth composed of the militia in the counties of Montgomery, Saratoga and Schoharie, which will continue to be commanded by Major General Veeder. The residue of what has heretofore composed the fourth Division, namely, the militia of Albany, Schenectady, Greene and Delaware Counties is formed into a separate division to be called the Eighth Division, and is to be commanded by General Paul Todd, who will henceforth be obeyed and respected as Commandant thereof, accordingly.

The Regiment in Schenectady, lately commanded by Jacob Swits, Esq'r, and the Regiments and Battalions lately composing General Todd's Brigade (except the Regiment composed of the Militia in the Towns of Bethlehem and Guilderland) are formed into a Brigade to be commanded by General Jacob Swits, who is requested to make return before the last day of May next of the promotions and appointments in the said Brigade, which will become necessary in consequence of this arrangement.

The Militia in the Towns of Bethlehem and Guilderland and the residue of Genl. Swits' late Brigade will henceforth form a new Brigade, to be commanded by Matthew Trotter, Esquire, upon whose recommendation Robert Elliott is hereby assigned as Brigade Major and Inspector thereof.

General Trotter is required to forward to the Adj. General, before the first day of June next, a return of the promotions and appointments in the Brigade to be commanded by him, and in the Regiment whereof he was lately Lieut. Colonel Commandant, which this general order will require.

Major General Veeder is requested to cause this to be forthwith to be made known to the several Brigadier Generals within

the counties of Montgomery, Saratoga and Schoharie; and General Todd will in like manner cause the same to be immediately communicated to the Generals of Brigade in the counties of Albany, Schenectady, Greene and Delaware.

The several officers hereby assigned are to be obeyed and respected in the several stations to which thy are assigned, until the pleasure of the Council of Appointment in the premises shall be announced.

Samuel S. Lush is assigned to Act as Adjutant (in the stead of Mr. Elliott) in the Regiment lately commanded by Col. Trotter, until the meeting of the Council of Appointment.

General Trotter will also report forthwith to the Commander in Chief such alterations in the organization of the Rifle Battalion heretofore established in the Brigade commanded by General Swits as the arrangements hereby established may require, to the end that such alterations may be approved and announced in General orders.

By order of the Commander in Chief:

G. O.: Headquarters, Albany, June 10th, 1811.

The limits of the Brigade comprehending the City of Albany, having been changed since the organization of Major Lockwood's Battalion of Riflemen, the Commander in Chief deems it proper to annex the Rifle companies in the Towns of Bethlehem and Guilderland to the said Battalion. It is enjoined upon Major Lockwood to consult the convenience of the said companies, equally with that of the companies heretofore composing the battalion, in fixing the times and places of Battalion Parades.

General Trotter is charged with the duty of causing this order

Regiment of the Brigade hereby formed, which fourth Regiment will be commanded by the senior cavalry officer within its limits. Major Moore's Squadron will be the first, and Major Livingston's Squadron the Second Squadron of the said fourth Regiment.

The Major General of Cavalry is desired to announce the arrangement established by this order, to the several General officers under his command, and to cause the same to be carried into effect. The Commandant of the Brigade hereby formed will transmit to the Adjutant General by the first day of January next, a return of the vacancies and promotions in the said Brigade.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

GEORGE B. RAPELYE BREVETTED.

G. O.: Headquarters, New York, 27th June, 1811.

At the request of Lieut. Col. Fleet of the Second Regt. of First Brigade of Artillery, George B. Rapelye is hereby brevetted as second Lieutenant in the said Regiment, until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

MORE ARTILLERY COMPANIES FORMED.

G. O.: Headquarters, New York, 27th June, 1811.

The Commander in Chief, deeming it proper to comply with an application for the formation of an Artillery Company at Brookhaven in Suffolk County, does hereby organize a company at that place, and assigns John S. Mount as Captain, Henry H. Howell as first Lieutenant and Samuel Davis as second Lieutenant

thereof until the pleasure of the Council of Appointment be known.

The said Company is hereby annexed to, and shall wear the like uniform as, the second Battalion of Artillery, commanded by Major Jermain of Col. Sitcher's Regiment.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj. Genl.

G. O.: Headquarters, New York, 27th June, 1811.

The Commander in Chief at the request of Brigadier General Solomon Martin, does hereby organize in his Brigade a Rifle Company and assigns Abel Case as Captain, Daniel C. Hayes as Lieutenant, and Roswell Wright as Ensign thereof, until the pleasure of the Council of Appointment be known.

The uniform of said company will be green rifle frocks and pantaloons with yellow fringe and buttons, black gaiters, round black hats with yellow buttons, black loops, and short Green feathers.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 2nd July, 1811.

The Commander in Chief does hereby organize a Company of Artillery in the first Battalion of the fourth Regiment of the first Brigade of Artillery, and assigns William P. Hunter as Captain, Edwin Matthews as first Lieutenant, and Aaron T. Crane as second Lieutenant thereof, until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant-General.

G. O.: Headquarters, New York, 3rd July, 1811.

The Commander in Chief hereby Organizes a Company of Artillery at Hillsdale in the County of Columbia, and annexes it to the first Battalion of the fourth Regiment, commanded by Lieut. Col. Stephen Thorne of the second Brigade of Artillery.

Horace Jones is assigned as Captain, Henry Salisbury Jun'r, as first Lieutenant, and John S. Harris as second Lieutenant of the said Company, until the pleasure of the Council of Appointment be known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, City of New York, 3rd July, 1811.

The Commander in Chief is pleased to assign and brevet Alexander M. Muir as Second Lieutenant in Captain Muir's company in the Second Regiment of Artillery in the City of New York.

And His Excellency orders that the said Alexander M. Muir so as aforesaid assigned and brevetted, be respected and obeyed accordingly, until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

ANOTHER QUIBBLE OVER RANK.

G. O.: Headquarters, New York, 4th July, 1811.

The Commander in Chief is pleased to constitute Lieutenant Colonels Curtenius and Saltus and Major Harsin of the first Brigade of Artillery, a board of officers to settle the rank of Cap-

tains (Daniel D.) Smith, (Thomas W.) Gilbert, (Robert) De Grushé, (James D.) Wallace and (John P.) Bissonett, of the Second Regiment of the said Brigade.

The Board is directed forthwith to assemble and report their proceedings to the Adjutant General.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

REARRANGING ARTILLERY ORGANIZATIONS.

G. O.: Headquarters, New York, 9th July, 1811.

The Commander in Chief, in pursuance of the report made to him by Lieut. Col. Teller of the Third Brigade of Artillery, directs that the companies thereof, in the Counties of Schoharie, Montgomery, Saratoga and Schenectady be, and they are hereby, divided into two Battalions in the manner following:

The First Batt'n shall comprise the companies in Schoharie County, and those in Montgomery County commanded by Captains Timmerman and Veeder, and the Company formerly under the authority of Capt. Izeinlord;

The Second Batt'n will consist of the companies in the Counties of Schenectady and Saratoga and the company in Montgomery County commanded by Capt. De Graff.

General Stevens will cause this order forthwith to be carried into effect.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

GOV. TOMPKINS EXPRESSES HIS MIND ON DISCIPLINE.

A GENERAL ORDER THAT CENSURES DELINQUENT OFFICERS AND
APPLIES RULES RELATIVE TO DISPUTED RANK.

G. O.: Headquarters, City of New York, 9th July, 1811.

The Commander in Chief, having noticed with much regret the very general want of punctuality on the part of the commanding officers of divisions and brigades, in transmitting to him their annual returns, feels himself called upon by a sense of public duty to signify his intention of hereafter requiring, and he does accordingly require from them, a rigid compliance with the sixteenth and twenty-first Sections of the Militia Law of 1809, and the sixty-seventh section of the same law, which enacts, "That all officers commanding Regiments and Battalions shall make returns in due form of their respective Corps, to the Brigadier Generals or Officers commanding brigades to which they belong, within one Month after the annual review and Inspection, together with (?) a return stating the vacancies and other casualties in said corps respectively, and mentioning in said returns the Names of persons who are entitled to promotion in consequence of such vacancies; and the brigadier-general or officer commanding a brigade, shall from such returns last mentioned, form a brigade return, and transmit the same to the Commander in Chief on or before the first day of February in every year."

Instead of a strict compliance with the above provisions, it has often happened that the return for a Regiment, battalion or company, has been transmitted by a Lieutenant Colonel, Major or Captain, directly to the Commander in Chief without regard to their respective superior officers; which irregularity has occas-

ioned much unnecessary trouble, inconvenience and controversy about rank. It is expected, and required, that hereafter the returns for promotions and appointments will be made in the manner and by the time required by the before mentioned section; and that no return otherwise made will be accepted or acted upon, unless accompanied by the most satisfactory evidence of its having been impracticable to convey the same through the legal channel. All officers whom it may concern, will henceforth be rigidly held responsible for the correct form and regular transmission of the returns for promotions and appointments in their respective Corps.

And it is further directed by the Commander in Chief, that commanding officers of divisions, whether of Infantry, Cavalry or Artillery, make inspection returns of their respective divisions, and transmit the same to him or the Adjutant General on or before the first Monday of February in each year, and that whenever Generals or commandants of Divisions, or brigades, or Inspectors of Brigades, change their places of residence, they immediately give notice thereof to the Adjutant General, to whom also Commandants of divisions are, on or before the first Monday of July in every year, to transmit rosters or returns of the names, grades, and relative rank of the general officers of their several divisions; and Commandants of brigades are likewise annually, on or before the same day to make returns to him of the names, grades, and relative rank of the field officers in their respective brigades.

And in order to determine accurately the numbers of the Regiments, and brigades, of Infantry and Cavalry of this State, commanding officers of the brigades thereof are enjoined by the Commander in Chief to furnish the Adjutant General, previously

to the first Monday in November next, with returns of the number of Regiments composing their several brigades, and of the names of the Lieutenant Colonels or Commandants thereof.

And his Excellency strictly forbids commanding officers of companies, and regiments, to grant certificates to any person, setting forth that he belongs to a Uniform Company, unless such person is completely uniformed and equipped according to Law, which certificates are to be respected by the battalion and Regimental Courts Martial; and any officer who shall certify untruly, is to be brought therefor before a Court of Inquiry or Court Martial.

The Commander in Chief, having ascertained that the principles applicable to the determination of Military rank are not understood or adhered to, deems it proper and necessary to communicate to the officers of the Militia for their future government, the following rules in relation thereto, which appearing to be generally recognized and well established, are not hereafter on any pretense whatever to be departed from:

First. All commissioned officers of equal grade shall take rank in that grade according to the dates of their Commissions therein;

Second. Where officers hold commissions of the same grade and date, retrospect shall be had to, and their rank decided by the Commissions immediately preceding those under which they act;

Third. Where the present and all the preceding Commissions of officers of the same grade bear equal date, and where neither of them held any prior rank, then, and in those cases only, their rank shall be determined by lot, to be drawn by them before the Commanding officer of the division, brigade, regiment, bat-

talion or squadron, as required by the eighth section of the Militia Law of the United States, passed the 8th day of May, 1792;

Fourth. Staff officers, other than Adjutants, appointed previously to the second day of April, 1810, have not, as such, any right to promotion in the line; when, however, commissioned officers in the line are appointed to the staff, they are entitled to promotion on the same principles with all other officers of the line according to their line rank. Nor can any person of right claim rank in the Militia of this State, in consequence of having formerly held a commission in the Army or Navy, of the United States, or in the levies or the Militia of this State, or any other of the United States.

These rules, although they must appear sufficiently intelligible to military men, may, notwithstanding, be further illustrated by examples of their application: For instance, if two officers are commissioned to the same grade on different days, he who was first appointed shall take precedence in that grade, whatever may have been their preceding relative rank; or where two lieutenants are promoted on the same day to the rank of Captains, he who was Senior Lieutenant will take precedence as Captain, of course; but should their lieutenants' commissions bear equal date, retrospect must be had to their ensigns' commissions, and he who took rank as elder ensign, will also rank, of course, as senior Captain; yet should it appear that their Ensigns' commissions are likewise of the same date, then is their rank to be determined by lot in the manner before directed. It is nevertheless to be understood, that where an officer has heretofore assented to, or acquiesced in, any mode of settling his rank other than that hereby communicated and directed to be observed, he cannot

claim under the present regulations, rights which he shall have expressly or tacitly relinquished.

And in all cases of contested rank, or other difference existing amongst officers of the Militia, wherein it may have become necessary to have recourse for redress to the Commander in Chief, it must satisfactorily appear to him that the officer complained of, or whose rights are in any way to be affected, has in due time been furnished with a correct copy of the petition or other form of application to be preferred. Where, however, complaints of officers do not relate to a violation of rank by the Council of Appointment, but relate to the improper conduct of a Regimental officer, which is degrading to his office, complaint against him must be made to the Commandant of his brigade, who is authorized to institute a Court of Inquiry upon the conduct of such officer.

And all general officers and officers acting as such, are directed forthwith to communicate this order to the officers of their respective Corps, and are, moreover, strictly charged to exercise a vigilant superintendence over the conduct of the officers and soldiers subject to their authority, and are to see that they pay the most exact attention to the discharge of all their Military duties.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

ADDITIONAL ORGANIZATIONS.

G. O.: Headquarters, Albany, 13th August, 1811.

Upon the recommendation and request of Lieut. Col. Vosburgh, Commandant of a Regiment of Militia in General Dodge's Regiment, in the County of Montgomery;

The Commander in Chief organizes a New Light Infantry Company in the said Regiment and assigns Aaron Haring as Captain, John G. Murray as Lieutenant and Elihu Enos as Ensign thereof, until the pleasure of the Council of Appointment in the premises be made known; and directs that in the meantime the said officers be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid de-Camp.

G. O.: Headquarters, New York, Aug'st 26th, 1811.

The Commander in Chief, intending to organize a Battalion of Riflemen within General Ellis' Brigade of Militia in Onondaga County, at the ensuing session of the Council of Appointment, is pleased to direct that General Ellis procure and transmit to the Adjutant General, as speedily as possible, an inspection return of the Rifle Company or companies within his Brigade, and a return of the persons entitled to promotion upon the formation of the said Company or Companies into a Battalion.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, 27th Aug'st, 1811.

Pursuant to the recommendation of Lieut. Col. Thaddeus M. Wood, and the application of a meeting of Persons wishing to form a Company of Light Infantry in his Regiment, the Commander in Chief hereby organizes a new Company of Light Infantry in the said Regiment, and assigns Asa Rice to be Captain, Amos P. Granger to be Lieutenant, and Charles Gardner to be Ensign thereof, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

Brigadier General Ellis will cause this General order to be forthwith communicated to Lieut. Col. Ward.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

CHANGES AMONG OFFICERS.

G. O.: Headquarters, New York, September 13th, 1811.

Brig'r General Swits has represented to the Commander in Chief that his Brigade is destitute of a Quartermaster in consequence of the person who was formerly appointed having moved away, and has requested that Eri Lusher be brevetted in that office.

The Commander in Chief, accordingly, assigns and brevets the said Eri Lusher Quartermaster of the said Brigade of Militia, and directs that he be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Robert Macomb, Lieut. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, 13th Sept. 1811.

It being represented by Lieut. Col. Saltus, Commandant of the third Regiment of the first Brigade of Artillery, that the office of second Major of the said Regiment is vacant by reason of the resignation of Major Aycrigg, and that Capt. John W. Forbes is entitled by rank to fill the said station;

The Commander in Chief, therefore, pursuant to the request of Lt. Col. Saltus, hereby brevets and assigns the said John W. Forbes second Major of the said Regiment, until the pleasure of the Council of Appointment be made known in the premises,

and orders that in the meantime, he be obeyed and respected accordingly.

By order of the Commander in Chief:

THE GOVERNOR ISSUES ANOTHER LAUDATORY ORDER.

G. O.: Headquarters, White Plains, 18th Septemb. 1811.

The Commander in Chief has experienced much satisfaction in the review of the Troops who passed at White Plains this day. It was very gratifying to him, and highly honorable to the officers and soldiers of the Artillery Corps of New York and Kings County, and to Capt. Hartell's Company of light Infantry, and to the elegant band attached to them, that the difficulty, fatigue and expense of attending so remote a parade did not damp their Military pride and Zeal. The equipments, discipline, and conduct, displayed by the before mentioned Troops and Capt. Lyon's and Capt. Miller's Companies of Westchester Artillery, in the manoeuvres and exercises of the day demand and receive the unqualified applause of the Commander in Chief.

The Commander in Chief had an opportunity, on a former occasion, of witnessing a squadron parade of the Westchester Cavalry, and he takes much pleasure in acknowledging the great improvement they have made since that period in appearance and discipline. And he feels it a duty to declare that their conduct on this parade has been such as to reflect honor on the officers and soldiers of that Corps.

Capt. Hammond's company of Light Infantry and Captain Smith's Company of Riflemen, also distinguished themselves by their appearance and behaviour, and were noticed with great satisfaction. The orderly demeanor of the residue of Col. Hobby's Regiment, and Col. Varian's Regiment of Infantry, was

honorable both to the officers and soldiers, and entitles them to a great share of commendation.

The promptitude and cheerfulness with which Genl. Carpenter exercised his official authority to increase the number and respectability of the Troops to be reviewed, and the activity and skill manifested by Col. Andrew Sitcher and the Field and Staff officers who assisted him in the arrangements and manoeuvres of the day, were noticed with peculiar pleasure.

The review of the before mentioned Troops is the first act of Executive Authority which the Commander in Chief has had the honour of personally performing in his native County, and he cannot conceal the pleasing emotions he has experienced from the respectful attention paid to him by the Troops on duty; nor can he retire from the parade without rendering to the Officers and soldiers of the day, his unfeigned and grateful homage.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

A HANDFUL OF PROMOTIONS.

G. O.: Headquarters, New York, 26th Sept. 1811.

At the request of the Commandant of the Fifth Regt. of the First Brigade of Infantry, in the City of New York, the Commander in Chief is pleased to brevet and does accordingly hereby brevet and assign, James Campbell, Frederick Muzzy, Samuel R. Clarke, Peter Van Brugh Livingston, and Stephen Lockwood, Ensigns in the said Regiment, and directs that they be obeyed and respected as such, until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

SEVERAL CASES OF DISPUTED RANK DECIDED.

G. O.: Headquarters, New York, 26th Sept. 1811.

The board of officers appointed by General orders of the 4th day of July last to settle the rank of Captains Smith, Gilbert, De Grushe, Wallace and Bissonett, of the second Regiment of the first Brigade of Artillery, reported to the Adjutant General on the 30th ult. that they were of opinion those gentlemen ought to take rank in the order following: 1st Captain, James D. Wallace; 2nd, Daniel D. Smith; 3rd, John P. Bissonett; 4th, Thomas W. Gilbert; 5th, Robert De Grushe.

The board is hereby dissolved.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjut. Genl.

AN ORDER COUNTERMANDED.

G. O.: Headquarters, New York, 9th October, 1811.

It having been represented, by the Commandant of the Albany Battalion of Riflemen, that the firing by the individuals of the said Corps, for the medal, mentioned in General orders of the 17th day of April last, in the manner therein prescribed, is inconvenient and interferes with and retards the manoeuvring and disciplining of the said Corps, the Commander in Chief does, therefore, hereby authorize the Commandant of the said Corps to devise and announce in battalion orders, such other equitable and fair method of firing for the said medal as he may deem more beneficial to the said Corps, which mode shall be as conclusive and binding as if contained in General orders.

By order of his Excellency the Com'r in Chief:

Wm. Paulding, Jun'r, Adjutant General.

THE GOVERNOR DISAPPROVES THE FINDINGS OF A
COURT MARTIAL.

AND IN A LENGTHY OPINION LAYS DOWN A PRINCIPLE OF MILITARY LAW
FOR THE PROTECTION OF ACCUSED OFFICERS.

G. O.: Headquarters, New York, 17th Oct., 1811.

A Brigade Court Martial was instituted, by the Orders of General Steddiford, bearing date on the 2nd day of September last, for the Trial of John D. Jaques, Surgeon of the first Regiment of the first Brigade of Infantry, upon the following charges, which were exhibited against him by Lieut. Col. De Lamontagnie, Commandant of the said Regiment:

First Charge. For improper and illegal conduct in demanding and receiving money for certificates granted by you as Surgeon of this Regiment (viz. First Regt.) to persons enrolled in the said Regiment, contrary to the 58th Section of the Act to organize the Militia of this State, and to your duty as Surgeon thereof;

Second Charge. For improper and illegal conduct in demanding and receiving, on the 28th day of May last, the sum of one dollar, for a certificate of exemption from Military duty, granted by you to William Mead a private in said Regiment, contrary to the said section, and your Duty as Surgeon of the said Regiment.

Third Charge. For improper and illegal conduct in demanding and receiving, on the tenth day of June last, the sum of one Dollar for countersigning and granting a certificate of exemption to Thomas Rees, a private in this Regiment, without having seen or examined the said Thomas Rees, whether he was entitled to such certificate or not, contrary to your Duty as Surgeon of the said Regiment.

To which charges, the Prisoner pleaded:

NOT GUILTY!

The Court, having convicted the Prisoner of these charges and adjudged him to be removed from his office, which sentence has been sanctioned by Brigadier General Steddiford, and is now appealed from by the Prisoner to the Commander in Chief, to whom the proceedings of the said Court have been submitted.

It appears from those proceedings:

First. That the Prisoner before any Member of the Court had been sworn, challenged the President thereof, on the ground of his having made up and expressed an opinion in the cause, and that the Court overruled the objection, they being of opinion that such a challenge could not be made; first, because the members of a Court Martial are Judges to whom no exception lies, and not Jurors; and secondly, because, if a challenge were allowed to a President of a Court Martial, there exists no competent authority by which triors can be appointed to try the validity of a challenge and if he is to be set aside without Trial, there would be a total failure of Justice by a repetition of the challenge by the Prisoner against each successive President;

Second. That the prisoner's counsel proposed to Enquire whether the Witness, Doct'r Onderdonk had ever received pay for certificates; and that this enquiry was overruled by the Court;

Third. That the Prisoner's Counsel offered to enquire of the witness, Mr. Seixas, whether Adjutant Ward had not told him that Doctor Jacques, had granted a number of certificates of exemption for money, to a number of Privates who were not incompetent; and that the enquiry was overruled by the Court, they being of opinion that it was entirely unimportant what Mr. Ward may have said, and totally irrelevant to the case before the Court;

Fourth. That the prisoner's counsel offered in evidence a copy of the Proceedings of a Certain Court of Enquiry, containing the substance of the evidence of Mrs. Rees upon the matter then before the Court, for the purpose of impeaching her testimony; and that his offer was overruled by the Court, on the ground that Mrs. Rees' testimony could not be impeached by the production of such a paper, in which her testimony may have been misstated by a clerk, and could only be impeached by producing those who had heard her testify;

Fifth. That the Court found the Prisoner guilty of the charges preferred against him and sentenced him to be cashiered.

The Commander in Chief thinks it requisite here to remark, that he has noticed, in the proceedings of the Court, and of other Courts Martial held of late years, a departure from the form which has been well established by long and uniform practice, and which he deems well fitted to insure the accuracy and precision of the evidence of Witnesses. The Court, instead of inserting in the record of their proceedings the precise interrogatories put to the Witnesses and their answers, have merely stated the substance of their Testimony. Although the Ordinary method of proceeding in Military Courts by Question and Answer may appear unessential in the view of the members of the Court, yet it is not so in the estimation of the parties who frequently ascribe to the neglect of that practice, what they deem a failure of Justice, especially upon an appeal. The officer who is to decide upon the appeal, cannot be so well possessed of the real facts and merits of the case in any other way. Besides indulgence in a departure from established forms in one particular leads to a neglect of them in other respects, and may multiply the questions and doubts which the tribunal of appeal is to solve and remove.

The prisoner having complained that he was compelled by the Court to submit his Questions to the Judge Advocate to be put by him to the witnesses, it is proper to observe, that the seventy-fourth Section of the Militia Law of 1809, which allows commissioned officers to appear before Courts Martial by counsel, authorizes such counsel to frame the questions that may be put to the witnesses in behalf of his client; to discuss objections that may be raised by the Judge Advocate; to sum up the cause; and to address the Court Martial as he may the Judges and Jury in a Civil Court; but it does not, in the opinion of the Commander in Chief, control or dispense with the propriety of the customary practice of submitting the interrogatories of the accused to the public prosecutor, to be put by him to the witnesses.

Having disposed of these incidental matters, the Commander in Chief, pursuant to the request of the appellant, proceeds to review the respective adjudications of the Court, beginning with the second:

Second. As no practice can or ought to supersede the positive injunctions of Law and the 58th section of the Militia Law of 1809 having Enacted that no Surgeon or his mate who shall give a certificate, purporting to exempt any person from doing military duty, shall receive any compensation for the same, the Court acted correctly in not admitting the Prisoner to produce Testimony to shew the practice of Surgeons of Regiments of Militia, to receive pay for examining private Soldiers therein, previously to granting them such certificates.

This decision of the Court is therefore approved.

Third. Inasmuch as there had no accusation been exhibited to the Court charging Doctor Jaques with having granted a number of certificates of exemption for Money to a number of privates who

were not incompetent; and that point was of course not in dispute between the People and the prisoner, it was, therefore, incumbent upon the Court to reject, as improper and irrelevant, any Testimony on the part of the accused which went to establish a fact not at issue before them.

This determination of the Court is consequently approved.

Fourth. There exists, neither Law nor precedent, that would have justified the Court admitting as evidence, a copy of the proceedings of an informal Court of Enquiry, containing the substance of the evidence of Mrs. Rees upon the matter then before the Court, for the purpose of impeaching her Testimony. Her Evidence could only have been legally discredited by the persons who heard her testify before the said Court of Enquiry.

Consequently, this decision of the Court is approved.

Fifth and First. In finding the prisoner guilty of all the charges that were exhibited against him, and in adjudging him to be removed from office, the Court have not, in the Judgment of the Commander in Chief, transcended the authority reposed in them by Law. The acts charged to have been committed by the prisoner were in direct contravention of the before recited Fifty-Eighth Section. And, inasmuch, as the 73d Section of the said Act declares that "every commissioned officer who shall be convicted by a General Court Martial, shall be punished according to the nature and degree of his offence by private or public reprimand, suspension or removal from office;" the Court having previously convicted the Prisoner, were therefore invested with a legal discretion of sentencing him to either of the punishments contained in that enactment.

Upon the assumption that the Court acted properly in denying the prisoner the benefit of his challenge, there would then have

appeared no very material impropriety in their proceedings; but, the privilege of the Judge Advocate and the prisoner to challenge for cause, any member of a Court Martial, previously to his being sworn, is firmly established by Military usage and precedent, (*) and is, moreover, consonant to the principles of universal Justice, and indispensable to a fair and impartial trial. The Members of a Court Martial, like Jurors at Common law are Judges of both Law and fact, and may be sworn as witnesses, and give their evidence in the cause upon which they are to decide judicially; for they in fact can have no disqualifying interest in the issue of the prosecution nor any bias to testify falsely. And although the Militia Laws of this State do not mention any such privilege of challenge, yet it should not from thence be concluded that a prisoner or prosecutor is, by mere inference drawn from the silence of the Laws, to be deprived of the benefit of a right secured to the parties in all Judicial examinations at the Common law, and which is essential to the due administration of Justice. Indeed, if the simple omission of those Laws to recognize just principles of adjudication in relation to Courts Martial, be a conclusive reason for dispensing with their application in the administration of Martial Law, there would then exist the same authority for rejecting the known and established rules of evidence when deciding on military offences. And yet our Courts Martial, with great propriety, are very rigid in applying the ordinary principles of testimony to the investigation of such transgressions.

In the Act constituting our Courts Martial, it is conceded, there is no express provision to try the validity of a challenge preferred against any member thereof; but does it thence inevitably follow

(*) Macomb 71, McArthur 85, Adye 171, Tytler, 220.

that so vital a principle of Justice is to be withheld from the accused or the prosecutor? Where the Laws are silent, may not established principles and customs, which are agreeable to reason, be resorted to with the same propriety in this as in many other instances of Military decisions? In England, where neither the articles of war nor the statutes of the Kingdom make any provision for objecting to the Members of Courts Martial, nor point out the mode of disposing of objections when made, it is nevertheless the settled usage of her Military Courts to admit of challenges for cause, as in Civil Tribunals, and for the President and members thereof to decide on their Import and validity. And such also in conformity with the 71st Article of an Act "for establishing Rules and Articles for the Government of the Armies of the United States," is the duty of Courts Martial convened under the authority of the general government.

Taking it for granted that Members of Military Courts are liable to be challenged and rejected, the question presents itself, whether objections can in like manner be made to the President of such Court, and if so, by what tribunal, and in what way, are those objections to be considered and decided? The propriety and necessity of having an unprejudiced President, as well as other members of a Court Martial is established by the authorities and arguments which have been already adduced, and the mode of trying and disposing of an allegation of his interest, bias or prejudice is the only point of obscurity or difficulty. But one authority bearing upon this point has met the eye of the Commander in Chief; it is the case of a challenge to Colonel Montgomerie, President of a General Court Martial, held in Edinburgh Castle in January, 1795. It seems that the Court there deliberated upon the cause of challenge and *repelled* the objec-

tion. This phraseology is susceptible of two constructions, the most reasonable of which is, that the Court deliberated upon the objection, and intended to decide upon the validity of it, and upon the competency of Colonel Montgomerie, as if they had power to reject him and supply his place with another member.

Mr. Tytler, however, declares that the President of a General Court Martial must have certain qualifications as to rank, &c., whence it follows that if the ordinary Members decide against the President upon a Challenge, they may not have it in their power to supply his place from their number with a person of requisite rank, but must refer to the officer who instituted the Court for that purpose. It is very evident that the President is always in the first instance appointed by the Officer who organizes the Court Martial, and it is fairly to be presumed that he is influenced in making a selection by certain peculiar qualifications for that Station, such as elevated rank, superior intelligence and experience, energy and decision in the transaction of business, and in the maintenance of order and respect in Court, an acquaintance with the forms of doing business and with the method of taking down, and reporting proceedings of Courts Martial, and with the rules and laws of evidence. All these qualities are not equally indispensable in any other Member.

The Commander in Chief is informed and believes, that officers of the Revolution, and of the present Army establishment of the United States, to whom has been confided the power of instituting general Courts Martial, have invariably exercised the exclusive privilege of naming the President as well at the institution of the Court as afterwards; but this right would be indirectly acquired by the other Members of the Court if they were vested with the power of rejecting, for any cause whatever, the Presi-

dent originally named, and of substituting another in his place. It appears, therefore, to the Commander in Chief, that the most rational and discreet practice upon this point is that challenges to an ordinary Member of the Court are to be heard and determined by the other Members as heretofore, but that objections to the President ought to be referred to the officer who named him, who will decide thereon and by subsequent order assign another President, or direct the Court to reassemble and proceed with the same President, as may appear most just and proper.

And, inasmuch as the mode of disposing of a challenge to the President has heretofore been unsettled, the above principles are hereby established in the Militia of this State, until some statute regulation may be made upon the subject. It must, however, be understood, that should the party to be tried be served with an Official copy of the order naming the President of the Court, in season to enable him before the sitting thereof to present any objections he may have for the consideration and determination of the proper officer, and shall omit to do so, he will be deemed to have waived the objections, and will not be entitled to any adjournment for that purpose, after the meeting of the Court, unless he may assign and verify by affidavit, a sufficient reason and excuse for such lack or omission.

Although the precise application for an adjournment, to enable Surgeon Jacques to submit his objection to Brigadier General Steddiford, does not appear to have been made, yet the decision of the Court, and the reasons assigned for it, went substantially to overrule such an application;

Wherefore the Commander in Chief feels himself constrained by a regard to the fair and impartial administration of Justice,

and a respect to the rights of Militia Officers, to withhold his sanction from the decision of the Court upon the first point presented by the appeal, and accordingly disapproves thereof.

Brigadier General Steddiford will, therefore, make such further Order, and take such further proceedings in the premises as may be proper and necessary.

By order of the Commander in Chief:

SEVERAL NEW COMPANIES ORGANIZED UNDER RESTRICTIONS.

G. O.: Headquarters, New York, 17th Oct. 1811.

Upon the application of Elijah Guion and others, and with the approbation of General Carpenter, Commandant of the Brigade of Infantry in Westchester County, the Commander in Chief does hereby organize a Light Infantry Company in Lieut. Col. Hobby's Regiment of the said Brigade, and brevets and assigns the said Elijah Guion as Captain thereof, until the Council of Appointment shall have signified its pleasure touching the same.

The persons who may be enrolled in the above company must be completely equipped before they can of right claim the privileges and exemptions contained in the 12th Section of the Militia Law of 1810; until then they will be liable to do duty in the Battalion companies of the beats in which they shall reside; they may be compelled to serve on grand and petit juries, nor will they be entitled to exemption from Military duty in this State after having served fifteen Years. And should any officer, under such circumstances, grant or countersign, a certificate, with intent to procure any person enrolled in the said company the benefit of the said section, he would thereby subject himself to punishment.

And if the Company hereby established shall not have thirty men, including eight non-commissioned officers, uniformed according to Law within a Year from the date hereof or from the receipt of the commission by the Commander thereof, it shall, conformably to the 30th Section of the Militia Law of 1809, be disbanded, and the Commandant of the Regiment to which it is attached shall thereupon report such disbandment to the Commander in Chief; and whenever he shall publish the same in general orders, the officers of the said Company shall return to the beats of several battalion companies within which they respectively reside, and be liable to do duty therein.

General Carpenter is required forthwith to transmit a copy of this order to Colonel Hobby, who will immediately upon the receipt thereof communicate the same to Captain Guion.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adjutant General.

G. O.: Headquarters, New York, 28th October, 1811.

The Commander in Chief does hereby organize a Company of Grenadiers in the Second Regiment of the First Brigade of Infantry, and also a Company of Riflemen in Col. Varian's Regiment of General Thomas Carpenter's Brigade; and his Excellency is pleased to brevet and assign to the first company, John Sproul as Captain and John L. Fink as Lieutenant of the same, and to the Second Company, Thomas Sherwood as Captain, Ebenezer Baldwin as Lieutenant and Jonathan Lawrence as Ensign thereof, until the pleasure of the Council of Appointment shall have been signified in the premises.

The uniform of Grenadier Companies is prescribed by the 36th Section of the Militia Law of 1809, and Rifle Corps as heretofore directed by the Commander in Chief, are to Equip themselves

with Green Rifle frocks and pantaloons, with yellow fringe, and yellow buttons, black gaiters, round black hats with yellow buttons, black loops and short green feathers. * * * *

(Here follows the same restrictions that were imposed upon the Westchester Light Infantry Company. State Historian.)

Generals Steddiford and Carpenter are required forthwith to transmit copies of this Order to all whom it may concern in their respective brigades.

By his Excellency's command:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 29th Octob'r, 1811.

The Commander in Chief hereby organizes in the first battalion of the Fourth Regiment and first brigade of Artillery, a company of horse Artillery, and brevets and assigns James McKeon as Captain, Thomas Shaw as first Lieutenant, John Gaynor as second Lieutenant, and William B. Myers as cornet thereof, until the Council of Appointment shall have signified its pleasure in relation thereto. This corps is to be equipped in the same manner as the company of horse Artillery at present attached to Col. Sitcher's Regiment. * * * * *

(Here follows the restrictions that governed the formation of the Westchester Light Infantry Company, to be found on page 309. State Historian.)

By His Excellency's Command:

Wm. Paulding, Adjutant General.

G. O.: Headquarters, New York, 1st Nov'r, 1811.

The Commander in Chief is pleased hereby to organize a New Company of Artillery in Niagara County in Major Walter Grieves' battalion of the Regiment lately commanded by Lieut.

Col. Joseph Kirkland, being the Second battalion of the Fifth Regiment; and is further pleased to brevet and assign Asa Stannard as Captain, John Seeley as first Lieutenant, and Pliny S. Field as Second Lieutenant of the same, until the pleasure of the Council of Appointment be known in the premises.

The uniform of this company will be long dark blue coats, with scarlet linings, facings, collars and cuffs, dark blue pantaloons, and white vests, black gaiters or half boots, and round or cocked hats, as may be determined by the officers of the said Company.

* * * (The restrictions found on page 309 follow. State Historian.)

Brigadier General Kirkland is directed, on the receipt of this General Order, to cause copies of it forthwith to be communicated to the Officers of his brigade whom the same may concern.

By His Excellency's Command:

Wm. Paulding, Jun'r, Adjutant General.

MORE EXPRESSIONS OF COMMENDATION FROM THE COMMANDER IN CHIEF.

G. O.: Headquarters, New York, 29th Oct., 1811.

The Commander in Chief feels great pleasure in yielding to Brigadier General Morton, and to the Officers and Soldiers who paraded under his command on the 17th inst., the Just tribute of praise which their military appearance and conduct merit. On this occasion they excelled their usual deportment and appearance, and the Commander in Chief cannot hesitate to acknowledge that the parade was to him a most satisfactory and pleasing display of the Military enterprise, zeal, and skill of our patriotic Militia.

By His Excellency's Command:

Wm. Paulding, Jun'r, Adjutant-General.

ASSIGNMENTS TO COMMAND.

G. O.: Headquarters, City of New York, Nov'r 20, 1811.

His Excellency, the Commander in Chief, has been pleased, on the recommendation of Lieut. Col. Curtenius, to assign and brevet John Woodward, as Second Lieutenant in the first Regiment of the first brigade of Artillery. And His Excellency orders that the said John Woodward be respected and obeyed accordingly.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, City of New York, November 23rd, 1811.

The Commander in Chief is pleased to assign and brevet Daniel E. Dunscomb as Captain, Charles McKenna as first Lieutenant, and James B. Murray as Second Lieutenant, of a Company of Artillery hereby Organized and attached to the Second Regiment of the first Brigade of Artillery, which officers are to be obeyed and respected accordingly.

And His Excellency orders that the Company aforesaid, wear the uniform of Artillery, except as follows: the Coat to be double breasted, with three Rows of buttons, the middle row connected with the exterior rows by a Gold lace or cord; a helmet with red feathers shall be worn instead of a cocked hat; and in the winter season blue cloth pantaloons, trimmed with red cord, will be permitted.

Adjutant Dunscomb being transferred, by the organization of the above company to the line, Lieutenant Grant Forbes is assigned as Adjutant of said Regiment.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

PART II.

The Second War with Great
Britain.

PROTECTING OUR FRONTIER LINE.

THE DANGER TO OUR FRONTIER JUST AS GREAT THEN AS IT IS TO-DAY.

G. O.:

Headquarters, April 2d, 1812.

The Commander in Chief is required by the President of the United States to order into service for the defence and protection of the frontiers of the State, detachments of the militia thereof, to be stationed at Niagara, Oswego, and near the mouth of the Black River. Major General Widrig, will, therefore, without delay detach from his division (excluding the Onondaga brigade) six hundred men, including officers, and will organize them into eight Companies, will assign the Captains and Subalterns, and will have them ready to march at a moment's warning.

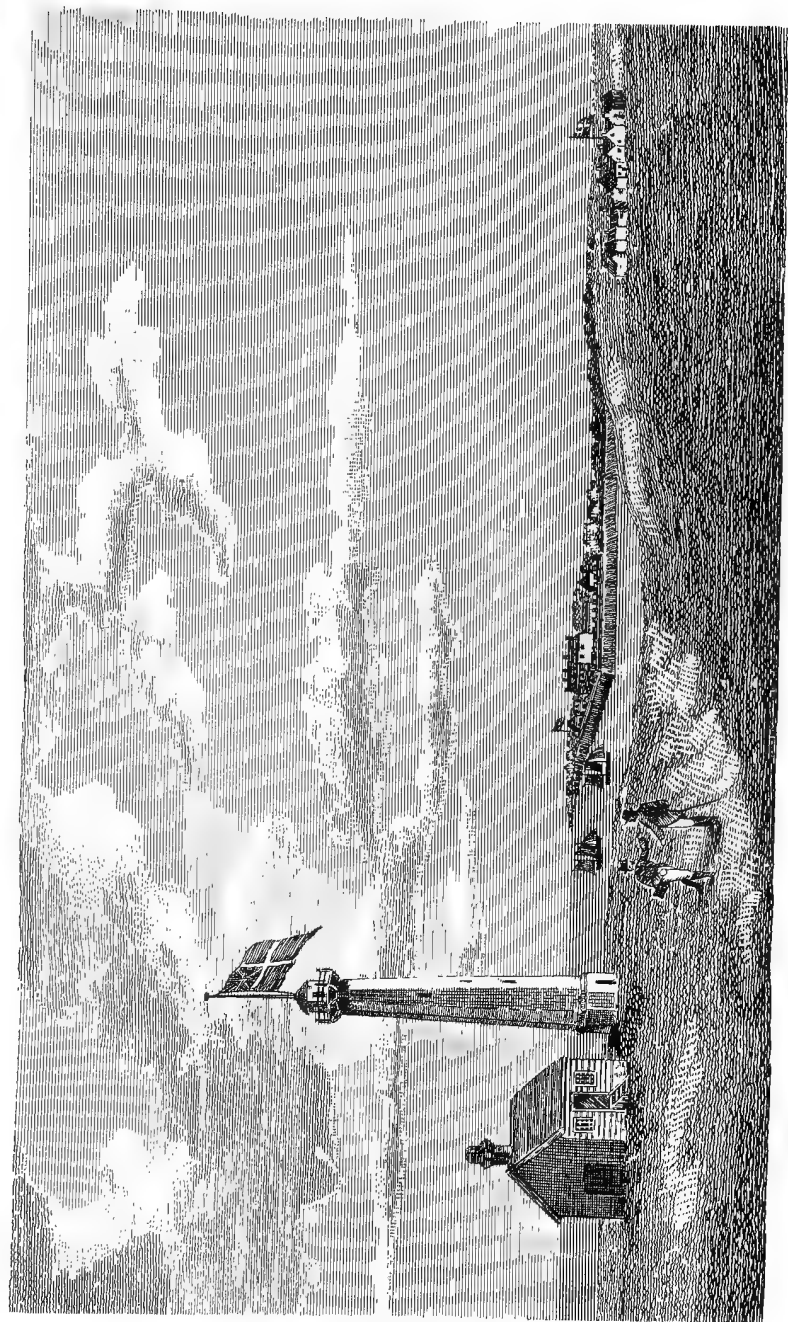
He will also report to the Commander in Chief one Lieutenant Colonel and two Majors whom he can recommend, to be assigned to the command of the detachment. Should any company of artillery, or a part thereof, exceeding thirty men, uniformed and equipped, volunteer their services, they will be accepted and organized as part of the above mentioned detachment, and will be equipped with field pieces, implements and ammunition by the State. The above mentioned detachment will be stationed near the mouth of the Black River. Major General Widrig will also require Brigadier General Ellis to furnish from his Brigade and have in readiness to march to Oswego, at a moment's warning, two companies of infantry, or one company of artillery of not less than forty men, and one company of infantry of one hundred men, including officers; the latter to have one Captain, two

Lieutenants and one Ensign, or if there be two companies of Infantry of the ordinary number, then each company to have one Captain, one Lieutenant, and one Ensign to be assigned by General Ellis. The places of rendezvous for the detachments from each brigade are to be fixed by the respective brigadier generals and reported to the respective Major Generals.

Major General King will detach from the Madison and Cortlandt brigades of Infantry two hundred and fifty men to be in readiness to march to Oswego, whenever orders to that effect may be received, and to organize them into three companies, with one captain, one Lieutenant and one Ensign to each company. The detachments from Onondaga, Madison and Cortlandt Counties will, upon their arrival at Oswego, be formed into one corps, to be commanded by a field officer whom the Commander in Chief will assign for that purpose.

Major General Hall will forthwith detach from the seventh division of infantry under his command, six hundred men, including officers, and will organize them into eight companies, and assign Captains and subalterns to command the companies. The detachment from his division will be directed to rendezvous in such parcels, and at such places, as he shall designate, and will, from thence, proceed to the post of Niagara. Lieut. Col. Philetus Swift will take command of the detachment from the seventh division. The Commandant of the Genesee brigade will detach one Major and the Commandant of the Niagara brigade one other Major, who together with Lieut. Col. Swift, will compose the field officers of the detachment. The regimental staff will be selected by the commandant of the detachment and be reported to the Major General.

The officers who are charged with the execution of this general



From "The Portfolio,"

FORT NIAGARA—FROM THE LIGHT HOUSE ON THE BRITISH SIDE

order are instructed to be prompt and vigilant in its execution, and to encourage by all lawful means, volunteers for the detachment. The Commander in Chief cherishes a lively hope that the patriotic and brave spirit which pervades the divisions, from which the above detachments are to be taken, will, immediately fill the required quota with volunteers.

Volunteers under and pursuant to the act of Congress of the 6th of February, authorizing the President to accept the services of Volunteers will be preferred, and the general and field officers will accept such volunteers accordingly as part of the detachments.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

FILLING UP THE QUOTA OF OFFICERS FOR THE FOURTH ARTILLERY..

G. O.: Headquarters, City of New York, April 14th, 1812.

At the request of Lt. Col. Sitcher of the Fourth Regiment of the first brigade of Artillery, the Commander in Chief is hereby pleased to brevet in the said regiment the following persons: William Swain 2d Lieutenant in the Regiment, and Matthew Cunningham Surgeon's Mate thereof; Thomas Shaw, Captain. Charles A. W. McPherson first Lieutenant, Alexander Sibbold second Lieutenant, and William Bryce cornet of the second company of horse Artillery; George Nixon, John R. Satterlee, Thomas L. Rich, Captains; Stephen A. Rich, James Ronalds Junior, Thomas A. Ronalds, first Lieutenants; George Sharp, Richard Ervin, Thomas Stevenson Junior, second Lieutenants of three new companies of Artillery they are hereby authorized and required to raise and equip. These officers are to be obeyed and respected, agreeably to their brevet rank, until the Council

of Appointment shall have signified its pleasure in reference thereto.

By his Excellency's Command:

Wm. Paulding, Junior, Adjutant-General.

G. O.: Headquarters, Albany, 15th April, 1812.

The Commander in Chief has been pleased to assign and brevet Simeon Bellamy as Captain; Jacob Walley as first Lieutenant; and George Wands as second Lieutenant, of a Company of Artillery in the County of Albany; and directs that they be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be known.

By order of the Commander in Chief:

John McLean, Jun'r, Priv. Sect'y.

G. O.: Headquarters, City of New York, 20th April, 1812

At the request of Brigadier General Giles, the Commander in Chief does hereby brevet and assign James Stoughton as a Lieutenant in the third brigade of cavalry; and directs that he be obeyed and respected as such until the Council of Appointment shall have made known its pleasure in the premises.

By his Excellency's Command:

Wm. Paulding, Jun'r, Adjutant General.

THIRTEEN THOUSAND FIVE HUNDRED MILITIA CALLED UPON FOR DUTY.

G. O.: Headquarters, City of New York, 21st April, 1812.

In conformity with instructions from the President of the United States, bearing date the 15th instant, the Commander in Chief directs that thirteen thousand five hundred of the militia of this State, including officers, be forthwith detached from the several brigades thereof, in the following proportions:

The first Brigade of Infantry.....	150	The twenty-seventh Brigade of Infantry	270
" second "	460	" twentieth-eighth "	230
" third "	580	" twenty-ninth "	110
" fourth "	160	" thirtieth "	310
" fifth "	240	" thirty-first "	230
" sixth "	180	" thirty-second "	340
" seventh "	390	" thirty-third "	290
" eighth "	430	" thirty-fourth "	370
" ninth "	330	" thirty-fifth "	120
" tenth "	550	" thirty-sixth "	50
" eleventh "	510	" thirty-seventh "	350
" twelfth "	430	" thirty-eighth "	190
" thirteenth "	340	" thirty-ninth "	210
" fourteenth "	270	" fortieth "	300
" fifteenth "	350		<u>11,700</u>
" sixteenth "	260		
" seventeenth "	230	The first Brigade of Cavalry.....	235
" eighteenth "	270	" second "	250
" nineteenth "	220	" third "	190
" twentieth "	340		<u>675</u>
" twenty-first "	160		
" twenty-second "	320	" first Brigade of Artillery.....	450
" twenty-third "	320	" second "	300
" twenty-fourth "	300	" third "	375
" twenty-fifth "	310		<u>1,125</u>
" twenty-sixth "	220		

Every division of Infantry may furnish one-tenth of its quota in riflemen to be properly organized into distinct corps.

The commanding officer of each brigade shall make an equitable apportionment, among the respective corps thereof, of the brigade requisition, and will organize the same into companies and troops, to the command of which he is to assign the most respectable, active and enterprising of the Captains and sub-alterns of his brigade. These companies and troops shall be formed into battalions, squadrons and regiments, and the Majors thereof assigned by the General of Division, who is especially charged to select for that service officers of approved capacity and merit. The companies and troops detached and organized are to be arranged in the manner following: those from the First Division of Infantry into three Regiments; those from the Second Division of Infantry into three Regiments; those of the Third Division of Infantry into three Regiments; those from the Fourth

Division of Infantry into two Regiments; those from the Fifth Division of Infantry into two Regiments; those from the Sixth Division of Infantry into two Regiments; those from the Seventh Division of Infantry into three Regiments; those from the Eighth Division of Infantry into two Regiments; those from the division of Cavalry into one Regiment.

The detachment from the first Brigade of Artillery will be organized into two battalions of three companies each, one of which battalions will be commanded by Major Robert Swartwout, and the other by Major John Bleecker, the senior of whom will furnish a muster Roll, and an inspection Return of the said detachment to the Adjutant General, and will report to the officer of the United States commanding in the harbor of New York. The detachment from the second brigade of Artillery will be organized into one battalion of four companies to the command of which one Major of that Brigade will be assigned by the Major General. Should any Company or other Corps of artillery, cavalry, infantry or riflemen volunteer as part of the detachment, such Company or Corps will continue to be commanded in the detachment by the officers under and with whom the said Company or Corps shall volunteer.

Companies and troops shall consist, as nearly as may be practicable, of seventy-five men each, officers included; four of these will constitute a battalion or squadron. A Regiment of infantry or artillery is to comprise two battalions, and regiment of Cavalry two squadrons.

The detachments hereby required to be drawn out from the militia, are in every respect to be organized, armed and equipped according to law, and for actual service; and will hold themselves in readiness to march at a moment's warning. And when-

ever the detachment and organization shall have been effected, the respective Corps are to be exercised by the officers assigned to command them, but are not to remain imbodyed or considered in actual service, until by subsequent orders they shall be commanded to take the field.

Immediately after this general order shall have been received by the commanding officers of divisions and brigades they will proceed to execute it. And as soon as the various detachments herein mentioned have been duly organized into companies and troops, the commandants thereof are to make out and deliver correct muster rolls, and inspection returns of the same to the officer assigned to the command of the regiment into which those companies and troops shall have been formed; and the officer commanding every such regiment shall immediately thereafter transmit an accurate inspection return thereof, and exact copies of the said muster rolls to the Adjutant General's office, at the Capitol in the City of Albany.

The Commander in Chief, confiding in the known Zeal, intelligence and public spirit of the militia, cherishes a confident expectation that both officers and soldiers will cheerfully emulate each other in tendering their voluntary services to defend their country, and in promptly carrying this order into full effect.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

IN MOURNING FOR THE FIRST GOVERNOR OF NEW YORK.

G. O.: Headquarters, City of New York, 25th April, 1812.

The Commander in Chief deploring in common with the rest of his countrymen the death of the venerable George Clinton, late Vice-president of the United States, and duly sensible of his

exalted virtues and public services, is pleased to direct that the officers of the militia of this State wear crape on the left arm for the term of thirty days, as a testimonial of their veneration for the character of one who has pre-eminently distinguished himself in the Cabinet and in the field.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adj't. Genl.

ASSIGNMENTS, TRANSFERS AND PROMOTIONS.

G. O.: City of New York, 27th April, 1812.

At the request of Lieut. Col. Curtenius of the first regiment of the first brigade of artillery, the Commander in Chief does hereby brevet William Bakewell a second lieutenant in the said regiment until the pleasure of the Council of Appointment be known in the premises.

By his Excellency's Command:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: City of New York, 27th April, 1812.

The active and various duties of the Adjutant General of the State, demanding his undivided attention, the Commander in Chief is, therefore, pleased to excuse him from the performance of service in the line, and accordingly directs Major Clarkson Crolius to assume the command of the Ninety-seventh Regiment of Infantry; Major S. L'Hommedieu of the First battalion, and Capt. John McClure of the second battalion thereof, until otherwise ordered; reserving, nevertheless, the rank and right of Col. Paulding to promotion in the line.

And his Excellency is further pleased to brevet Adam Walker as Lieutenant, and George Conlin as Ensign in the battalion of

riflemen attached to the tenth brigade of Infantry, until the determination of the Council of Appointment be made known in relation thereto.

By his Excellency's Command:

Wm. Paulding, Jun'r, Adjutant General.

TROOPS FOR THE PROTECTION OF NIAGARA AND OSWEGO.

G. O.: Headquarters, Albany, April 28th, 1812.

The detachment destined for Oswego and Niagara by general orders of the second day of April instant, are directed forthwith to proceed to the respective stations assigned them by those general orders. The Quartermaster-General has been directed to make the necessary arrangements for the transportation of the troops from the places of rendezvous to their respective places of encampment, and for their accommodation after their arrival; and the contractors have been required to furnish rations. Should there be any failure on the part of either of those departments, the Commandants of the respective detachments are empowered and required to cause the deficiencies to be supplied upon as economical terms as may be practicable, and to report the same to the Commander in Chief.

It is most earnestly enjoined upon the officers and soldiers of the detachment, to conduct on their march and after their arrival at the several posts in the most conciliatory, orderly and respectful manner towards the inhabitants, and towards the regular troops with whom they may be associated; and to demean themselves in all things as become patriotic citizen soldiers. From the moment of their assemblage they will be subject to the Rules and Articles of war, which the commanding officer of each detachment

is directed to cause to be read to the corps on their arrival at the place of encampment, and to cause one copy thereof to be kept constantly in the encampment at some proper place, where every person belonging to the detachment may have access to it. The Commandants of the detachments will cause them to be assiduously and industriously disciplined and manouvered, and will pay strict attention to the health of those under their command, and for that purpose will exercise a rigid superintendence over the conduct of all the staff officers.

By order of the Commander in Chief:

Anthony Lamb, Lt. Col. and Aid-de-Camp.

MADISON COUNTY ORGANIZES A COMPANY OF HORSE ARTILLERY.

G. O.: Headquarters, Albany, 30th April, 1812.

Whereas a number of persons in the County of Madison have associated themselves together as a volunteer company of horse Artillery, and have requested to be organized as such, and have engaged to equip themselves immediately, if the said company shall be sanctioned;

The Commander in Chief therefore, hereby organizes the said company, and assigns William Jennings of Lenox for Captain; Argailus Cady for First Lieutenant; Joseph Bruce for second Lieutenant; and David Beecher for Cornet; who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises shall be made known. The uniform in all respects will be the same as that worn by Capt. Sizer's company of Horse Artillery in Madison County, and the company will be attached to the third brigade of Artillery. As soon as the said company shall consist of forty men, completely uniformed and

equipped, field pieces, implements and ammunition will be furnished for exercise and improvement.

By order of the Commander in Chief:

Anthony Lamb, Lt. Col. and Aid-de-Camp.

CAPTAIN COSTEGAN IS ASSIGNED TO COMMAND.

G. O.: Headquarters, Albany, May 9th, 1812.

At the request and upon the recommendation of the Lieutenant Colonel Commandant of the one hundred and thirty-sixth regiment of Infantry, and with the approbation of the Brigadier General commanding the Thirty-first Brigade of Infantry, to which the said Regiment is attached; the Commander in Chief is pleased to assign Francis Costegan for Captain, and Henry W. Snyder for Lieutenant of a company in the Colonie belonging to the said Regiment; and directs that they be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises shall be expressed.

By order of the Commander in Chief:

John McLean Jun'r, Aid-de-Camp, P. T.

THE USUAL DISPUTE OVER SENIORITY.

G. O.: Headquarters, Albany, 27th May, 1812.

Whereas a controversy about rank and right of promotion to the office of 2d Major of the One hundred and fourteenth Regiment of Infantry has for some time existed between Reuben Stone and Clark Rice, officers of the said Regiment, who were appointed Captains therein on the same day (April 3d, 1806); the said Reuben Stone having previously been senior Lieutenant in the said Regi-

ment, by reason whereof he would have taken rank of the said Rice as Captain, had they not drawn for rank after their advancement to Captains;

And whereas, by the General Order, dated July 9th, 1811, it was expressly provided, that if any officer had theretofore assented to, or acquiesced in, any mode of settling rank other than that communicated and prescribed by the said General Order, he should not claim under that order, rights which he might expressly or tacitly have relinquished; and whereas, the said Clark Rice contends and insists that the said Reuben Stone did expressly relinquish the preference which his Senior Lieutenancy might otherwise have given him, by assenting and submitting to a draft; by signing with all the other officers of the said regiment an agreement expressly waiving any priority of rank or right to promotion to a majority in the said regiment; by acting as a Junior Captain to the said Rice, in the said Regiment, for several years after the said draft, and by other acts of assent to and acquiescence in the seniority of the said Rice;

And whereas, the said Reuben Stone contends and insists on his part, that he did not voluntarily submit to the said draft; that he has uniformly alleged and insisted that he was senior Captain, and has not expressly or tacitly relinquished the right of being regarded and promoted as such;

And whereas, it is fit and proper the said controversy should be determined and the relative rank of the said persons whilst they were captains be ascertained and settled in the manner contemplated by the act to organize the militia of this State;

The Commander in Chief, for that purpose, does hereby appoint and organize a Board of officers, to consist of Brigadier General Fort, and Major Michael S. Vandercook of Rensselaer County, and

Majors Reuben Whallon, Nathaniel Pitcher and Christian Sack-
rider of Washington County. Genl. Fort will be the president
and will report without delay to the Commander in Chief the de-
cision of the said Board as to the relative rank of the said Reuben
Stone and Clark Rice as Captains at and immediately before the
promotion of the said Reuben Stone to the office of Second Major.
The Board will meet at the house of Major John Porter in Cam-
bridge on the tenth day of June now next, at ten o'clock in the
forenoon; of which meeting General Fort will cause immediate
notice to be given, as well to the members of the said Board as to
the said Reuben Stone and Clark Rice.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE THIRD ARTILLERY CONVERTED INTO TWO REGIMENTS.

G. O.: Headquarters, Albany 3d June, 1812.

The Commander in Chief, upon the recommendation of Brigadier General Wilkin and Lt. Col. Nathan Myers, divides the Third Regiment of Artillery into two regiments. The County of Dutchess will hereafter compose the third Regiment; Lt. Col. Nathan Myers and Major Samuel Slee will continue to command as Field officers therein. The artillery in Rockland, Orange and Ulster Counties will compose a separate regiment to be called the Seventh regiment of Artillery. General Wilkin will cause an immediate return to be made for the officers for the said Regiment.

The Commander in Chief also hereby organizes a new Regiment to be called the eleventh regiment of cavalry, to consist of the companies of cavalry in the County of Otsego, and the companies in the County of Herkimer which are or may be organized south of the Mohawk river. The Commandant of the first bri-

ten o'clock in the forenoon; of which time and place of meeting, reasonable notice is to be given by General Smith, as President of the Board to the members thereof, and also to the persons before named whose rank is intended to be determined and settled. The President will report to the Adjutant General without delay the opinion and decision which the said board may form touching the aforesaid premises.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjt. General.

ANOTHER GRENADIER COMPANY ORGANIZED BY EXEMPTS.

G. O.: Headquarters, Albany, 6th June, 1812.

Whereas a number of inhabitants of the County of Otsego, who are severally exempt from militia duty on account of services in the late war, or age, have associated themselves together and formed a Company of grenadiers; and, whereas, the said persons have signed a roll, pledging themselves to bear arms and take the field in defence of this State, whenever it may become necessary by reason of invasion or otherwise;

The Commander in Chief is therefore pleased, in pursuance of the authority vested in him by the act to organize the militia of this State, passed the 29th day of March, 1809, to sanction and organize the said Company, and does hereby assign and brevet James Westcoat to be the Captain, James Young to be the Lieutenant, and Barnabas Bates to be the Ensign thereof. The said company may uniform or not, at their discretion, and may select and adopt such uniform as they may think most economical and suitable.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE QUESTION OF COLOR NO BAR TO A UNIFORM.

G. O.: Headquarters, Albany the 10th June, 1812.

Whereas a company of Riflemen lately organized at Unadilla in the county of Otsego, of which Abel Chase is Captain, have represented to me that it is impracticable to procure green for uniforms, and that they are ready and willing to uniform in such materials as can be procured, and have prayed permission to uniform in short tight blue Jackets, scarlet facings, collars and cuffs, and yellow buttons, white vests, blue pantalons, with scarlet welts, red belts for the waist and shot-pouch, black stock and half gaiters, narrow brim round hats, with bearskin over the same, black cockades, silver cord and tassel, and black feathers with red tops;

The Commander in Chief, under the circumstances before mentioned, is pleased to permit the said company to uniform in the manner last above mentioned, and directs that they proceed without delay to equip themselves accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

MINOR MATTERS OF IMPORTANCE.

G. O.: Headquarters, Albany, 10th June, 1812.

The Commander in Chief is hereby pleased to direct that Major Lockwood's battalion of Riflemen hereafter parade annually twice only by battalion, and not three times as heretofore.

'By his Excellency's Command:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, the 12th June, 1812.

The Commander in Chief hereby organizes a battalion of Riflemen in the Twenty-seventh Brigade of Infantry in the County

of Onondaga; and assigns as officers thereof the following persons: Charles Moseley, Major Commandant; Leonard Kellogg, Charles B. Bristol, Luther Marsh, Captains; William Gardiner, Jun'r, Samuel M. Smith, Lieutenants; Hezekiah Ketchum, Ensign.

General Ellis will cause these forthwith to be communicated to Major Moseley.

By his Excellency's Command,

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 13th June, 1812.

The Commander in Chief, judging it expedient to reform the Sixth Regiment of the third brigade of artillery, does hereby organize it into three regiments, to be severally composed of the companies thereof in the counties hereinafter mentioned, and arranged in the manner following:

The Corps in Oneida and Herkimer shall form the first and those in Jefferson, Lewis and St. Lawrence the second battalion of a regiment hereby established, in the said counties, and to the command of which Joseph French is assigned.

The Corps in Otsego and Madison shall form the First, and those in Chenango, Courtlandt, Onondaga and Broome the Second battalion of a Regiment hereby organized, in those counties, and to the command of which Elijah H. Metcalf is assigned.

And the Corps in Cayuga, Seneca and Tioga shall form the first, and those in Ontario, Steuben, Genesee, Niagara, Allegany, Chautauqua and Cattaraugus the second battalion of a regiment hereby established in the said counties, and to the command of which Walter Grieve is assigned.

The Commander in Chief having directed the Adjutant General to ascertain by lot the numbers of the respective regiments of

spection Returns of the said detached Regiment to be immediately communicated to the Adjutant General.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

THREE SQUADRONS OF CAVALRY TO A REGIMENT.

G. O.: Headquarters, Albany, 15th June, 1812.

The cavalry detached in conformity to general orders of the 21st day of April last, will be formed by the Major General of that Corps, into three squadrons, to compose a regiment, to which the following officers are hereby attached:

George D. Wickham, of Goshen, Orange County, Lt. Co. Comm't; James Warner, of the City of New York, Theodore Ross of Elizabethtown, Essex County, Septimus Evans, of Geneva, Ontario County, Majors; Henry Arcularius, of the City of New York, Adjutant, Myrtle B. Hitchcock, of Kingsbury, Washington County, Quartermaster; Walter Willis, of the City of New York, Paymaster; Philip Duryee, of Stillwater, Saratoga County, Chaplain; Charles Little, of Avon, Ontario County, Surgeon; Henry White, of Yorktown, Westchester County, Surgeon's Mate.

Lieut. Col. Wickham will cause muster rolls and inspection returns for the said regiment forthwith to be furnished to the Adjutant General.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

AMMUNITION — HOW SUPPLIED FOR FIELD ARTILLERY.

G. O.: Headquarters, Albany, June 15th, 1812.

The Commandants of Companies entitled by law to receive ammunition for practice, and who have not already been supplied

for the year 1812, will be entitled to receive upon application to the commissary of Military Stores in New York, or the Deputy Commissary in Albany, the following quantities of powder and shot, viz:

Every commandant of a company, to which two twelve pounders are attached, may receive four quarter casks of powder and twenty-four shots; every comm't to whose company two nines or sixes are attached, three quarter casks of powder and twenty-four shots; to a company supplied with two four or three pounders will be delivered two quarter casks and twenty-four shots; and to each company having two two-pounders, one quarter cask of powder and twelve shots; each company having one piece of any of the above descriptions, will be entitled to one-half of the powder and shot before mentioned.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

A NEW BATTALION OF RIFLEMEN FOR NEW YORK.

G. O.: Headquarters, Albany, June 16th, 1812.

The Commander in Chief has thought proper to organize the rifle companies in the tenth and third brigades of Infantry in the City of New York, and not included in the organization of McClure's battalion, into a second battalion, and assigns the segnoir (Senior) Captain of the said companies to be Major commandant of the said second battalion, until the pleasure of the Council of Appointment in the premises be expressed.

The rifle corps in the fifteenth brigade, in Westchester County, are hereby organized into a battalion, the senior captain of which corps will be Major Commandant of said battalion, and is hereby

authorized and empowered to select a suitable person as Adjutant thereof.

The companies composing the said last mentioned battalion, beside the two company parades required by law, will parade once in each year by companies, with the regiments of Infantry to which the said companies are now respectively attached, and twice by battalion, at some central and convenient situation, to be designated by the Commandant of the said battalion, until further orders.

The Commandants of the before mentioned brigades of Infantry, are directed to cause this order to be forthwith carried into effect.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

THE SOUTHERN TIER GIVEN A NEW BRIGADE.

G. O.: Headquarters, Albany, 16th June, 1812.

The Infantry in the Country of Broome, and that part of Col. Oliver Huntington's Regiment which is within the county of Tioga, are hereby detached from the Eighteenth brigade and are organized into a separate brigade to be known as the Forty-first brigade, and will belong to the sixth division. Oliver Huntington is appointed to the command of the said brigade, and will make out and transmit the necessary returns of inspection, and for promotions and appointments within the same according to law. The Infantry of the County of Tioga, except what is comprehended in the regiment lately commanded by Oliver Huntington, will henceforth compose the Eighteenth Brigade.

Major Anson Camp, lately appointed brigade Major and Inspector of the eighteenth, is assigned to and will officiate in the

forty-first brigade hereby organized; and the brigade Quartermaster will be attached to and officiate in that one of the two brigades above mentioned within which he may reside.

General Carpenter will make the returns for appointments and promotions in the eighteenth brigade, which may be rendered necessary by this general order.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

STILL ANOTHER CAVALRY REGIMENT.

G. O.: Headquarters, Albany, 17th June, 1812.

The troops of cavalry in that part of Ontario County comprehended within the boundaries of the thirty-ninth brigade of Infantry, together with those in the counties of Genesee, Niagara, Chautauqua and Cattaraugus, are hereby detached from the tenth regiment and organized into a new regiment to be denominated the twelfth regiment of cavalry, and shall be commanded by Seymour Boughton, and attached to the first brigade of cavalry.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

THE WAR QUOTA DIVIDED INTO TWO DIVISIONS OF EIGHT BRIGADES.

G. O.: Headquarters, Albany, the 18th June, 1812.

The militia directed by General Orders of the 21st day of April last, to be detached from brigades and organized into regiments are, by order of the Commander in Chief, hereby definitely arranged into eight brigades to be denominated the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth, and two divisions to be called the first and second of the detachment: The first

brigade is composed of regiments detachments from Maj. Genl. Coles' division;

The second brigade is composed of regiments detached from Maj. Gen. Hathorn's division;

The third brigade is composed of regiments detached from Maj. Genl. Mooers' division;

The fourth brigade is composed of regiments detached from Maj. Genl. Veeder's and Todd's divisions;

The fifth brigade is composed of regiments detached from Maj. Genl. Widrig's division;

The sixth brigade is composed of regiments detached from Maj. Genl. King's division;

The seventh brigade is composed of regiments detached from Maj. Genl. Hall's division;

The eighth brigade is composed of the regiment of cavalry organized under the command of Lieut. Col. George D. Wickham, by general orders of the 15th instant of a regiment of light infantry and a regiment of riflemen.

The first division shall comprise the fourth, fifth, sixth, seventh and eighth, and the second division the first, second and third brigades, and the regiment of artillery organized under the command of Lieut. Col. Stephen Thorn, by general orders of the 15th instant.

Major General Stephen Van Rensselaer, of Albany, is assigned to the command of the first, and Major General Benjamin Mooers, of Plattsburgh, Clinton County, to the second division; and the following Brigadier Generals are assigned to the command of the respective brigades:

To the first, Gerard Steddiford of the City of New York;
second, Reuben Hopkins of Goshen, Orange County;
third, Micajah Pettit of Queensbury, Washington County;
fourth, Richard Dodge of Johnstown, Montgomery
County;
fifth, Jacob Brown of Brownville, Jefferson County;
sixth, Daniel Miller of Homer, Cortlandt County;
seventh, William Wadsworth of Genesee (Geneseo), On-
tario County;
eighth, George McClure of Bath, Steuben County.

The Lieutenant Colonels hereinafter named are assigned in the following manner, to the command of regiments belonging to the preceding brigades, which regiments shall be numbered from one to twenty inclusive:

To the regiments of the first brigade.

First, Beekman M. Van Beuren of the City of New York;
Second, Jonas Mapes, of the City of New York;
Third, John Ditmas of Jamaica, Queens County.

To the regiments of the Second Brigade.

Fourth, Abraham I. Hardenbergh of Shawangunk, Ulster
County;
Fifth, Martin Heermance of Rhinebeck, Dutchess County;
Sixth, Abraham Van Wyck of Fishkill, Dutchess County.

To the Regiments of the Third Brigade.

Seventh, James Green of Argyle, Washington County;
Eighth, Thomas Miller of Plattsburgh, Clinton County;
Ninth, Peter J. Vosburgh of Kinderhook, Columbia County.

To the Regiments of the Fourth Brigade.

Tenth, John Prior of Greenfield, Saratoga County, and

Eleventh, Calvin Rich of Sharon. Schoharie County, are to be attached

To the Regiments from General Veeder's division.

Twelfth, John T. Van Dalfsen of Coeymans, Albany County, and

Thirteenth, Putnam Farrington of Delhi, Delaware County, are to be attached to the regiments from General Todd's division.

To the Regiments of the Fifth Brigade.

Fourteenth, William Stone of Whitestone, Oneida County;

Fifteenth, Thomas B. Benedict of De Kalb, St. Lawrence County.

To the Regiments of the Sixth Brigade.

Sixteenth, Farrand Stranahan of Cooperstown, Otsego County;

Seventeenth, Thompson Mead of Norwich, Chenango County.

To the Regiments of the Seventh Brigade.

Eighteenth, Hugh W. Dobbin of Junius, Seneca County;

Nineteenth, Henry Bloom of Genoa, Cayuga County;

Twentieth, Peter Allen of Bloomfield, Ontario County.

To the Regiments of the Eighth Brigade.

The Regiment of Light Infantry, Jeremiah Johnson of Brooklyn, Kings County;

The Regiment of Riflemen, Francis McClure of the City of New York.

The following Majors have been assigned to the Regiments of the Third Brigade of the detachment:

The seventh regiment.

Christian Sackrider of Sandy Hill, Washington County, 1st Major;

Joseph Taylor of Hartford, Washington County, 2d Major.

The Eighth Regiment.

Melancton Smith of Plattsburgh, Clinton County, 1st Major;

Ransom Noble of Essex, Essex County, 2d Major.

The ninth regiment.

William Tanner of Hillsdale, Columbia County, 1st Major;

Tisdale Eddy of ———, Rensselaer County, 2d Major.

To the aforesaid detached brigades the Commander in Chief is pleased to assign the following Staff officers:

The first brigade.

Theophilus Pierce of the City of New York, Brigade Major and Inspector;

Charles Graham of the City of New York, Brigade Quartermaster.

The second brigade.

John Dill of Shawangunk, Ulster County, Brigade Major and Inspector;

Robert Heart of Orangetown, Rockland County, Brigade Quartermaster.

The third brigade.

Michael S. Vandercook of Pittstown, Rensselaer County, Brigade Major and Inspector;

Deane Edson of Essex, County of Essex, Brigade Quartermaster.

The fourth brigade.

Moses I. Cantine of Catskill, Greene County, Brigade Major and Inspector;

Leonard H. Gansevoort of Northumberland, Saratoga Co.,
Brigade Quartermaster.

The fifth brigade.

Robert Shoemaker of German Flats, Herkimer County, Brigade
Major and Inspector;

Henry Seymour of Pompey, Onondaga County, Brigade Quar-
termaster.

The sixth brigade.

Thomas Greenley of Hamilton, Madison County, Brigade Major
and Inspector;

Nathaniel R. Packard of Cherry Valley, Otsego Co., Brigade
Quartermaster.

The seventh brigade.

Julius Keyes of Clarence, Niagara County, Brigade Major and
Inspector;

Henry Wells of Elmira, Tioga County, Brigade Quartermaster.

The eighth brigade.

Joseph Lord of Canaan, Columbia County, Brigade Major and
Inspector;

Jeremiah Anderson of Harison, Westchester Co., Brigade
Quartermaster.

The Generals of divisions and brigades are to select their aids-
de-camp, and the Lieut. Colonels their regimental staffs; and
every officer commanding a detached regiment shall forthwith
transmit to the Adjutant General a Roster of the names and
places of residence of the field and staff officers; an accurate in-
spection return; and correct copies of the muster rolls of the
companies and troops thereof; and shall also convey an exact
copy of the said inspection return to the Commander of the bri-
gade to which his corps is attached, who shall immediately there-

latter to the office of second Major. The said Clark Rice, conformably to this decision and appointment, is assigned to the command of second Major in the One hundred and fourteenth Regiment, and Major Stone will remain a supernumerary until a vacancy, or other occurrence shall render it proper for him to resume a command as Major in the line of the said Regiment.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

TWO ADDITIONAL REGIMENTS OF RIFLEMEN.

G. O.: Headquarters, Albany, June 20th, 1812.

Pursuant to a provision for that purpose contained in the Act entitled, "An Act for the payment of certain officers of government, and for other purposes," passed June the 19th, 1812; the Commander in Chief organizes the two battalions of Riflemen, heretofore organized in the City of New York, into a regiment of Riflemen to be called and known as the first regiment of riflemen, and assigns Major Francis McClure to the command thereof. The companies composing the said regiment will parade three times by companies, three times by battalions, and twice by regiment in each year, the times and places of company and battalion parades to be ordered by the Majors, and the times and places of the regimental parades to be prescribed by the commandant of the said regiment, until otherwise directed by General orders.

Pursuant to the authority above mentioned, the battalion of Riflemen in the Thirty-first brigade of Infantry in Albany County, and the battalion of riflemen in the Eighth brigade of Infantry in Rensselaer County, are also organized into a regiment to be called and known as the Second Regiment of Riflemen, to the

command whereof Major Samuel M. Lockwood is hereby assigned. The battalions of the said regiment will parade under the respective senior officers thereof, by companies and battalions as heretofore directed; and in addition thereto, will parade as a regiment once in each year under the orders of the Commandant of the said Regiment.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

THE DECISION IN THE JACQUES COURT MARTIAL SUSTAINED.

G. O.:

New York, 21st June, 1812.

The Court Martial which re-assembled on the 11th day of November last for the purpose of reviewing its proceedings and sentence against Surgeon John D. Jacques, having confirmed the same, and the prisoner having appealed therefrom to the Commander in Chief, His Excellency has, therefore, maturely considered all the circumstances attending the case and approves thereof.

Brigadier General Steddiford will cause the said sentence to be carried into effect.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

LIEUT. COL. FLEMING PROMOTED.

G. O.:

Headquarters, Albany, June 12th, 1812.

Lieutenant Colonel Fleming, Commandant of the detachment of Militia of this State, in the service of the United States, stationed at Oswego, has been appointed to the office of commis-

sary of military stores for the western district. Should Lieut. Co. Fleming accept and qualify to the said office, Lieutenant Colonel Erastus Cleveland, of Madison County, will succeed him in the command of the said detachment, and will be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE WAR CLOUD BREAKS AT LAST.

PROMPT MEASURES TAKEN TO PROTECT NEW YORK CITY AND THE

FRONTIER FROM THE THREATENED INVASION OF THE ENGLISH.

G. O.: Headquarters, Albany, June 27th, 1812.

The Commander in Chief is required by the President of the United States to call into service such part of the 13,500 men detached from the first division of Infantry as may be required by General Bloomfield for the defence of the southern frontier of this State. Major General Coles is, therefore, hereby directed to give notice thereof to the commandants of the brigades of Infantry composed of the Infantry of the City of New York, and in Westchester, Kings and Richmond Counties, and to order the commandants of those brigades to call out and send their respective detachments into service, upon such requisition of General Bloomfield, without waiting for further division orders for that purpose. General Coles will also in concert with General Bloomfield, and the said commandants, in anticipation of such requisition, fix beforehand upon the signals for assembling the detachments upon the places at which they shall respectively rendezvous, and upon the route they shall respectively pursue to their destined post, so as to create as little confusion and interference as possible, at the moment of commencing their service; and will

also notify the General and field Officers thereof. Major General Coles will also arrange with General Bloomfield, and with the State Commissary, the places and manner of supplying with arms and ammunition, that portion of the detachment which may be ordered into field service, and may be destitute of arms.

The Commander in Chief entreats the prompt and earnest attention of the Major General to the above objects, and assures him of his entire confidence in his patriotism and military zeal and in his disposition to render every assistance in his power towards such a vigorous prosecution of the war, as may bring it to a speedy, honorable and successful termination.

By order of the Comm'r in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, June 27th, 1812.

The Commander in Chief is required, by the President to order into service, upon the requisition of General Bloomfield, for the defence of the Southern frontier of this State, a part of the detachment of 13,500 men. Major General Stevens will therefore, by division orders, require General Morton to order out, upon the requisition aforesaid, such part of the detachment from his brigade of Artillery as may not already have been called upon for that purpose; and in case of invasion of any part of the southern district of this State, he will, by virtue of this order, consider himself fully authorized to call out immediately, the whole of the said brigade for the purpose of repelling such invasion.

General Stevens is also required to devise and announce beforehand, a plan for assembling the artillery detachment, and also the whole brigade, most expeditiously upon a sudden emergency;

to fix the respective places of rendezvous for the detachments and their line of march to the respective places of their destination, so as not to interfere with or retard each other. Much reliance is placed by the Commander in Chief on the intelligence, experience and patriotism of Major General Stevens, and upon his devotedness to render important services to his country in the present trying crisis; and his Excellency confidently hopes that the General will exert his talents, his influence, and his official authority to produce a vigorous prosecution of the war, as a most certain means of ensuing a speedy, honorable and prosperous termination of it, and a consequent happy and durable peace.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, June 27th, 1812.

The Commander in Chief is desired by the President to order into service, upon the requisition of General Bloomfield, a part of the detachment of 13,500 of the militia of this State. Major General Van Rensselaer will, therefore, without delay, direct Brigadier Genl. Giles, upon such requisition, to order our (to) service the detachment from Lieut. Col. Jacob Odle's regiment of cavalry; and in anticipation of and preparatory to such requisition, to fix upon the mode of communicating to the detachment the speediest notice thereof; to establish the places of rendezvous for the several troops of the detachment, and to give notice thereof to the officers; to prescribe the route of march to the place of destination, and to make and announce all other necessary preparatory arrangements for the most speedy assemblage,

and for the greatest usefulness of the said detachment, whenever General Bloomfield shall make the said requisition.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

TWO PROMOTIONS.

G. O.:

New York, 3d July, 1812.

The Commander in Chief does hereby brevet Robert Thorburn and John Van Kleeck as Ensigns in the One hundred and sixth Regiment of Infantry, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

HONORS TO THE HERO OF FORT SCHUYLER.

GENERAL ORDER ISSUED OUT OF RESPECT TO THE MEMORY OF GEN.

PETER GANSEVOORT.*

G. O.:

Headquarters, Albany, July 2d, 1812.

The Comm'r in Chief has received with sincere sorrow information of the death of General Peter Gansevoort. His distinguished services in the Revolution, and his uniform usefulness

*Peter Gansevoort was born in Albany, N. Y., July 17, 1749; died in that city July 2, 1812. He was a born soldier. He was appointed Major of the Second New York Regiment July 19, 1775, and accompanied the Army of Invasion to Canada under the lamented Montgomery. November 21, 1776, he was promoted Colonel of the Third Regiment, and appointed to the command of Fort George. April 17, 1777, he was in charge of Fort Schuyler, which had originally been known as Fort Stanwix, and successfully defended it against the British and Indians under St. Leger, and by his resistance broke Burgoyne's combinations, and contributed largely in enforcing the surrender at Saratoga.

It was at Fort Schuyler that the first United States flag was unfurled to the breeze. For his services at Fort Schuyler he received the thanks of Congress. He accompanied Sullivan in his western expedition in 1779, and with a body of picked men surprised the Lower Mohawk Castle and captured all the Indian inhabitants. For this act of gallantry he was appointed Brigadier-General by the Legislature of New York.

After the War of the Revolution, he accompanied Washington on his tour over the northern battle-fields. He occupied a conspicuous position in the controversy caused by the New Hampshire land grants, and subsequently was Commissioner of Indian Affairs, and Commissioner for fortifying the frontiers.

In 1809 he was made Brigadier-General in the U. S. Army.

through life, endeared him to every patriotic citizen; those officers and soldiers in particular, who have been under his command as Major General of the militia of this State, and as a Brigadier General of the present army of the United States, will with ardor unite in every suitable testimonial of respect for his character and services.

The Comm'r in Chief, therefore, directs the following corps and detachments to rendezvous at the Capitol in the City of Albany to-morrow afternoon (3d July) at three o'clock, to inter the remains of the deceased with military honors. Lieut. Col. Lockwood's regiment of riflemen, excepting the Bethlehem and Guilderland companies, the Albany volunteers attached to Col. Vischer's regiment of infantry; Captain Humphrey's, Captain Schuyler's and Captain Van Alen's troop of cavalry, from Col. Westerlo's regiment; Lieut. Col. Thomas Davis will detach, and order to rendezvous as aforesaid the light Infantry companies attached to his regiment. Captain Walker's company, except a detachment thereof, sufficient to manage the field pieces, will assemble at the same time and place; the whole will be formed by and subject to the orders of General Trotter, who will be commanding officer on the occasion.

By order of the Commander in Chief:

John McLean, Jun'r, Priv. Secr'y.

WAR OFFICIALLY DECLARED.

THE COMMANDER IN CHIEF'S EFFORTS TO INSPIRE CONFIDENCE,
ENERGY AND PATRIOTISM AMONG THE TROOPS.

G. O.: Headquarters, Albany, June 23d, 1812.

I am officially informed that War is declared between the Kingdom of Great Britain and Ireland and its dependencies, and the United States of America and the territories thereof.

You will see by the enclosed papers that I have assigned you a Major General of that part of the detachment of 13,500 which is on the east side of the Hudson, and in Rockland, Ulster and Orange Counties on the West side. I expect much from your influence, experience and patriotism. Col. Miller and Major Smith of your place are also assigned and will be under your orders. I have also ordered Brigadier General Pettit to repair to Plattsburgh and receive your orders and directions. It would also be well to keep up a communication and understanding with the officers on the Vermont side of the Lake. Additional arms, ammunition, &c., leave this (to-morrow) morning for your quarter and will proceed without a moment's delay. The proportion of the 13,500 detached from Washington, Essex, Clinton and Franklin are subject to your division orders by virtue hereof, whenever you may think proper to call on them; you also know that by the militia law, you may order out the whole militia of your division, whether belonging to the detachment or not, in case of invasion. Everything on my part shall be done to forward whatever may be necessary to render the inhabitants of Franklin and Clinton Counties perfectly safe. I rely upon your best efforts and upon the patriotism of every good citizen to afford every possible assistance.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Major General Benjamin Mooers.

PLATTSBURG REGARDED AS ONE OF THE KEYS OF THE SITUATION.

G. O.: Headquarters, Albany, 23d June, 1812.

You are assigned to command the most northerly brigade of a detachment of 13,500 men. The declaration of war between

the kingdom of Great Britain and Ireland and its dependencies, and the United States of America, renders it proper that I should thus early require your services. You will therefore, please to repair to Plattsburgh, and concert measures with Maj. Genl. Mooers, under whose command you will be, for the security and protection of the inhabitants of Clinton and Franklin Counties. The detachment from Washington, Essex, Clinton and Franklin Counties are subject to his orders immediately.

You will see the arsenal at Elizabethtown, Essex County, on your way, and will understand that additional supplies of arms, ammunition, &c., leave this to-morrow morning for Plattsburgh. You may call to your assistance and into service the Inspector of the detached Brigade, and your Aid-de-Camp whenever you deem it necessary. You will also report to me by mail, or by express, if it be necessary, your proceedings and requisitions, as often as possible, and are at liberty to draw on me not exceeding two thousand five hundred dollars, for the needful expenses and contingencies of the emergency. I rely much upon your vigilance and patriotism, and vest you accordingly with a liberal discretion.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General Micajah Pettit.

LOOKING AFTER THE CENTRAL LAKE FRONT.

G. O.: Headquarters, Albany, June 23d, 1812.

War is declared by the United States against the Kingdom of Great Britain and Ireland and its dependencies. You will therefore be vigilant and attentive to the safety of the frontier of Onondaga. You are by this letter authorized to order out Major

The declaration of war between the kingdom of Great Britain and Ireland and its dependencies, and the United States, which declaration is enclosed, will call for the services of officers of a higher grade than Brigadier General, in a short time, and you will please hold yourself in readiness accordingly. The troops are of course to act offensively whenever an opportunity presents, and the commanding officer may deem it to be for the good of the country.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Major General Amos Hall.

ORDNANCE AND QUARTERMASTER SUPPLIES FOR NIAGARA.

G. O.: Headquarters, Albany, June 23d, 1812.

You will exert yourself to forward the military stores which may be wanted from Canandaigua towards the Niagara frontier, and to supply every deficiency as far as may be practicable. If you can procure cannon ball to be cast, let it be done and let them suit the calibers of sixes, fours and threes. I have ordered additional troops to the frontier; of course great exertions must be made to have them accommodated in every respect; this duty will fall on your department at present, and I shall expect your usual skill, promptness and patriotism in the performance of them. Camp kettles, a few tents, and some knapsacks, and a quantity of cannon ball will be sent on to-morrow, with orders to proceed with the utmost dispatch. Genl. Wadsworth is ordered on with the detached troops of Ontario, Genesee and Niagara, to take the command, accommodate them, feed them, cher-

ish them. They will act offensively whenever it may be judged proper.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Quartermaster General Peter B. Porter.

PUSHING WAR SUPPLIES TO BLACK ROCK.

G. O.: Headquarters, Albany, June 23d, 1812.

War is declared between the kingdom of Great Britain and Ireland and its dependencies, and the United States of America, and the territories thereof. As the Brigadier assigned to command the most westerly detachment, you are hereby required to assemble the volunteers and detached troops of Ontario, Genesee, and Niagara Counties, to cause them to be equipped with arms and ammunition at the Ontario and Batavia arsenals. You are also at liberty to require the use of and transport with the troops, the field pieces attached to such companies of Artillery within the district above mentioned as shall not volunteer or turn out in defence of the country with patriotic promptitude. Ball for the cannon and the other articles in which the Arsenals are deficient, will be forwarded without delay.

In the meantime, you will be pleased to exert yourself to promote a disposition to maintain the rights and honor of the country, and may proceed to Black Rock with the troops. You may collect or go directly to Lt. Col. Swift, and order the troops to follow. You are at liberty to act offensively as well as defensively, according as in the exercise of a sound discretion may appear most for the safety and interest of the United States and the good people thereof.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General William Wadsworth.



BUFFALO, 1813.

OFFICERS DIRECTED TO BE UPON THE ALERT.

G. O.: Headquarters, Albany, June 23d, 1812.

I am just informed officially, that war is declared between the United States and their territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof. You will therefore be on the alert, and ready with the troops under your command to act offensively and defensively as emergencies and the exercise of a sound discretion may dictate. A general officer will be dispatched to take the command of the frontier troops immediately, and you will be reinforced with the utmost expedition. In the meantime, exert yourself to the utmost for the safety of the inhabitants and the honor and security of the United States.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Lt. Col. Christopher P. Bellinger.

NEW YORK LEFT TO PROTECT HER OWN FRONTIER.

G. O.: Headquarters, Albany, June 23d, 1812.

War is declared between the United States and their territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof. This event will call forth the energies of every friend to his country, and more especially of those officers who are assigned to command the military forces. You will have received, ere this, the General Order assigning you to the command of one of the Brigades detached from the militia of this State in anticipation of the event which is now announced. Our militia law makes provision for calling out the brigade you now command in case of invasion, and you are hereby empowered to reinforce Col. Bellinger's with the militia detachment from Jefferson, Lewis and St. Lawrence Counties, and to arm them and

equip them at the State Arsenals at Russel and Watertown, if in your opinion, the safety of the inhabitants or any important object to be accomplished shall require it.

I place much reliance on your vigilance, abilities and valor in protecting our frontier inhabitants until the arrival of further troops and supplies which will be forwarded with the utmost practicable expedition.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General Jacob Brown.

P. S. Let Col. Benedict turn out with the St. Lawrence detachment immediately, to guard the frontier from Ogdensburg to St. Regis, and station them as may be best calculated for that purpose; they may arm from the Russel arsenal.

W. P.

ORDERING TROOPS TO THE FRONT ALL ALONG THE LINE.

G. O.: Headquarters, Albany, June 26th, 1812.

You will please to order the detachment of Infantry from your brigade into service and direct them to assemble at Sandy Hill in Washington County, where tents, some knapsacks and other conveniences will be ready for them. They will from thence proceed under the orders of Lt. Col. Greene, who is assigned to command the regiment detached from the two Washington brigades. The battalion from your brigade will proceed to Whitehall, and from thence by water to Plattsburgh in Clinton County, or will proceed by land through Vermont to Burlington or Grand Isle, and from thence cross Lake Champlain to Plattsburgh, as may be deemed best.

Should uniform companies of Light Infantry, Grenadiers or Riflemen, who may be volunteers as part of the detachment, or

under the act of Congress of the sixth of February last be ready to march, they will be preferred. Should volunteers of the above description offer and rendezvous at Sandy Hill, on the day appointed, to the number of two hundred and fifty, the detachment of militia not uniformed will be dispensed with until further orders, but for the deficiency of the two hundred and fifty volunteers of uniform companies, the detached militia will be required. They must come provided with blankets at all events, and knapsacks, muskets and cartridge boxes if they have them. Those who are properly armed will be preferred, and those who are not supplied with good muskets, bayonets and cartridge boxes, must take with them such as they have, and will be supplied with good ones in exchange from the Arsenal at Plattsburgh on their arrival.

I rely upon your usual alacrity and patriotism in the discharge of your military duties, to comply with this order, with the utmost possible expedition and I trust that when you reflect upon the indispensable nature of the service upon which the detachment is destined, the protection of our frontier brethren, and their wives and children from massacre by savages, and from the depredations of the enemies of the United States, you and every other officer and every good citizen, will join heart and hand in forwarding the execution of this requisition by every possible encouragement and assistance. The sixth day of July next, at ten o'clock, in the forenoon, is the time at which the detachment from your brigade will assemble. Major Sackrider must be notified and be ready to assume the command of and march with the detachment.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General Micajah Pettit.

ARTILLERY ORDERED TO PLATTSBURG.

G. O.: Headquarters, Albany, June 26, 1812.

Please to send on four field pieces attached to your regiment, sixes or threes, to White Hall, to go with other stores to Plattsburgh. You are at liberty, by virtue of this to call on any of your captains for their pieces for that purpose, and to take them into the public service, and such captains shall be supplied as soon as may be with others.

Organize your detached regiment without delay, and hold yourself in readiness to be on duty in a moment upon receipt of orders.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Lt. Colonel Stephen Thorn.

G. O.: Headquarters, Albany, June 26, 1812.

You will proceed with the military stores and articles direct to Whitehall on Lake Champlain, from whence you will transport them, together with the cannon ball belonging to the State, lying at Whitehall to Plattsburg, and Essex Arsenals in the proportions mentioned in the bill heretofore furnished to you. You will go through Granville yourself and call on Col. Thorn and see if he can furnish you with field pieces from his regiment to take on; if an immediate conveyance by water cannot be obtained, you will proceed by land with the articles for Plattsburgh thro' Vermont to Burlington, and from thence send for Gun Boats, and other vessels from Plattsburgh, or employ them at Burlington, to transport the articles to Plattsburgh, and from the proper point on Vermont shore send across those for Elizabethtown, Essex County; Col. Clark of Burlington (belonging to the regular troops) will upon request give you every assistance in his power.

You are vested with full discretion to accomplish the object of your mission with the utmost dispatch, and will return after delivering the property with the utmost expedition and report to me in writing your proceedings.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Major Mills.

CAVALRY AND INFANTRY ALSO ORDERED.

G. O.: Headquarters, Albany, June 27, 1812.

I have ordered the detachment from De Ridder's Brigade to assemble at Salem on the 7th of July, and from thence to proceed to Plattsburgh. The detachment from Pettit's assembles at Sandy Hill, on the 6th of July, and from thence proceeds to Plattsburgh. Lt. Col. Thorne is directed to have one company of Artillery ready to proceed with De Ridder's Detachment, and Lt. Col. Fitzgerald has orders to send one company of cavalry. The Essex detachment is also ordered into service and is to proceed to Plattsburgh. The whole are to report themselves to you, and receive and obey your orders.

One hundred and forty tents, sixty camp kettles, and forty pails will come on with the detachments; these, together with the muskets, cannon and ammunition, camp kettles and knapsacks forwarded by Major Mills, and antecedently at Plattsburgh, will, I trust, answer every temporary purpose. At any rate they are all which I can furnish at present. The above mentioned force and equipments, added to the regular troops at Plattsburgh, and the Clinton and Franklin militia, will, I hope, be ample for the protection of the Champlain frontier for the present.

I place great reliance upon your experience, influence and military zeal, in the disposition and use of the troops which will be under your command.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Maj. General Benj'm. Mooers.

THE GOVERNOR ALIVE TO THE DANGER TO OUR FRONTIER.

G. O.:

Headquarters, Albany, June 27, 1812.

The detachment of Militia from your brigade is hereby ordered into service. The detachment from the Essex regiments will rendezvous at such times and places as you may appoint. Such of them as can conveniently assemble at Elizabethtown, and may not be armed, will arm and equip themselves from the Arsenal at that place; they must supply themselves invariably with blankets and with knapsacks if they have them. Such equipments as they possess will be taken with them, and if defective, they will be exchanged at the public arsenals.

The contingent of transporting the detachment from Essex to Plattsburgh will be defrayed by the bearer, Capt. Campbell, with whom you will please to make the necessary arrangements for that purpose. Major Noble will take the command of the detachment, and Dean Edson who is assigned as Brigade Quartermaster, will also accompany the detachment to Plattsburgh. Major Noble will report himself on his arrival to Major Genl. Mooers, and receive his orders. Brigade Quartermaster Edson will wait at Plattsburgh the arrival, or instructions of Brigadier General Micajah Pettit, of Washington County.

The detachment from Clinton will rendezvous at Plattsburgh, and that from Franklin will rendezvous and remain at Malone in

said County, until orders shall be received from Major General Mooers. The flattering accounts which I have received of your military talents and of your active and zealous patriotism, makes me rely, with confidence, upon the earliest possible fulfilment of this order.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General Daniel Wright.

G. O.:

Headquarters, Albany, June 27, 1812.

You will please to order the detachment of Infantry from your brigade, into service, and direct them to assemble and rendezvous in Salem in Washington County, where tents, some knapsacks and other conveniences will be ready for them. They will, from thence, proceed under the orders of Lt. Col. Green, who is assigned to command the regiment detached from the two Washington Brigades. They either will proceed to White Hall, and from thence by water to Plattsburgh in Clinton County, or will go by land through Vermont to Burlington or Grand Isle, and thence across Lake Champlain to Plattsburgh, as may be most advisable. Should uniform companies of light Infantry Grenadiers or Riflemen, who may be volunteers as part of the detachment, or under the act of Congress of the sixth of February last, be ready to march, they will be preferred. One company of Artillery will be accepted.

Should volunteers of the above description offer, and rendezvous at Salem, on the day appointed to the number of three hundred, the militia detachments will be dispensed with until further orders; but for the deficiency of three hundred volunteers, the detached militia will be required. They must come provided

into service to rendezvous in battalions. The battalion from De Rider's brigade will rendezvous at Salem, and that from Pettit's at Sandy Hill; they will proceed from Salem and Sandy Hill to White Hall, and from thence to Plattsburgh by water or by land on the Vermont side (without going to Whitehall) to Burlington or Grand Isle, and from thence across the lake to Plattsburgh in Clinton County, as may be judged most expeditious and proper.

All that are deficient in equipments on their arrival at Plattsburgh, will be supplied from the State Arsenal in that place. They must, however, take with them such equipments as they may possess. Some tents, camp kettles, Knapsacks, and other conveniences will be at each place for their accommodation. They must supply themselves, universally, with blankets and all that can do it will provide themselves with Knapsacks also. You and your staff officers must exert yourselves to make the troops comfortable, and to cause them to conduct in the most orderly, conciliatory, and satisfactory manner towards the inhabitants of the country through which they may pass, and in a particular manner be careful of the health of the detachment, for which purpose you must be attentive to the quality and sufficiency of their provisions and keep a vigilant eye to the surgeon's department.

On your arrival at Plattsburgh you will report yourself to Major General Mooers and receive his orders. Should you go by land to Burlington, Col. Clark of the army stationed at that place, will upon application, yield you every comfort and aid in his power. Capt. Thomas Campbell, who bears this order, will accompany you, and pay the contingent expenses of transportation to Plattsburgh.

By general orders heretofore issued, you are empowered to appoint your own regimental staff. You are not confined in the sel-

ection to any brigade, county, or persons already in commission, and will therefore, make such a selection as will be most agreeable to yourself and at the same time most serviceable to the country. An Adjutant, Quartermaster, Paymaster, Chaplain, Surgeon and Surgeon's Mate are the commission officers whom you are to select, and appoint without further enquiry or authority. They must, however, be reported to me by you. You will consider yourself in the service and pay of the United States, from the receipt of this order, and will devote yourself to the assemblage of the detachment at Sandy Hill and Salem. The detachment from Pettit's Brigade will assemble at Sandy Hill, on Monday the sixth, and that from De Rider's on Tuesday the seventh of July; it will be well that such arrangements be made that the detachment proceed in companies or lesser numbers, about twelve hours apart, so that accommodations may be procured on the road without using tents and camp kettles; one field or Staff officer may accompany and provide for each company or squad.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Lt. Colonel James Green.

MORE ORDERS FOR THE RENDEZVOUS.

G. O.: Headquarters, Albany, June 29, 1812.

A principal part of the detached brigade to which you are assigned as brigade Major and Inspector, is ordered into service. The detachment from General De Rider's brigade will rendezvous at Salem, on the seventh of July, at ten o'clock in the forenoon; the detachment from Pettit's on the sixth of July, at ten o'clock in the forenoon. The detachment from Essex County will rendezvous at such times and places as Genl. Wright may appoint. Each

detachment, when assembled, will immediately march to Plattsburgh in Clinton County.

I give you this notice that you may report to General Micajah Pettit, of Sandy Hill, your acceptance or non-acceptance of the command to which I have assigned you, and in case of acceptance that you may receive from him the earliest instructions.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Major Vandercook.

G. O.: Headquarters, Albany, June 29, 1812.

The detachment from General De Rider's brigade of Infantry is ordered into service to rendezvous at Salem on the 7th of July, at ten o'clock in the forenoon, and from thence proceed to Plattsburgh in Clinton County, for the protection of the frontier between Lake Champlain and St. Regis. Genl. De Rider is authorized to receive one company of artillery, detached, or volunteers, instead of so many of the Infantry detachments. You will therefore, exert yourself to have a company of volunteers, or detached artillery at Salem at the day and hour aforesaid, to proceed upon the service above mentioned. As no more than one company is required at present, from your numerous and extensive Regiment of Artillery, I cannot for a moment doubt that you will be able to obtain the necessary volunteers from the artillery.

Capt. Campbell, the bearer hereof, or his agent, will be at Salem on the day appointed, to attend to the transportation of the baggage, etc., and to defray the expenses of the troops on their journey to Plattsburgh. Tents and camp Kettles will also be there for their use. My advice, however, is for them to proceed in small parties, without using tents, or cooking for themselves, so that lodging and other accommodations may be obtained and paid for

on the road. For a prompt compliance with this first requisition which I have ever had occasion to make for the services of any part of your regiment, I rely upon your experience, influence and patriotic zeal.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Lt. Col. Stephen Thorn.

GRAPE, CANISTER, OTHER ORDNANCE AND QUARTERMASTER STORES.

SHIPPED TO CANANDAIGUA.

G. O.: Headquarters, Albany, July 2d, 1812.

I received your letter last evening, and beg leave to inform you that last week I sent on about 540 muskets to Canandaigua, making the supply at Canandaigua and Batavia 3,000; and this day an additional quantity of five hundred leaves this for Canandaigua. With the last parcel have gone fixed ammunition, powder, some camp kettles, tents, drums and fifes; knapsacks and cartridge paper; 250 muskets and some ammunition have also been forwarded to Steuben by Mr. Townsend. Cannon ball, with some case, grape, and canister for three and six pounders, are also on their way to Canandaigua, with the exception of tents of which there are none yet here; the preceding supply will be ample, with what Capt. Leonard may have at the fort, for the protection of Niagara frontier.

I hope you will exert yourself for the protection of the frontiers, and amongst other things, supply some arms and ammunition to the people south of Buffalo in Chautauqua and Cattaraugus. We shall have our hands full; but I calculate upon the energy and bravery of the officers and soldiers of the western country for efficient protection of the inhabitants of the frontiers, until regu-

lar troops shall approach the lines. In all cases where your personal services, by proceeding with detachments to the frontier, or otherwise, will be useful, go, and you shall receive Major General's pay whilst out, but not rations.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Major Genl. Amos Hall.

MINOR ORDERS.

G. O.: Headquarters, Albany, July 3d, 1812.

Whereas Peter J. Vosburgh, commandant of the fifty-sixth regiment, in the twelfth brigade of Infantry of the militia of this State, has represented to the Commander in Chief that there is a vacancy in the company commanded by Andries Whitbeck in his regiment of Ensign by the death of Thomas J. Eddy, and has recommended Lucas Goes as a fit and proper person to fill said vacancy; the said Lucas Goes is therefore hereby assigned and brevetted by the Commander in Chief as the Ensign of the aforesaid company, to be respected and obeyed accordingly, until the pleasure of the Council of Appointment be manifested on the subject.

By order of the Commander in Chief:

John McLean, Jun'r, Priv. Secr'y.

G. O.: Headquarters, Albany, July 6, 1812.

Your regiment forms part of the detached brigade which General Jacob Brown commands. You will therefore, consider yourself and your officers and soldiers, subject to his command and orders.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Lt. Colonel Christopher P. Bellinger.

G. O.: Headquarters, Albany, July 8, 1812.

I have been informed that Major Whaley of Lt. Col. Philetus Swift's regiment, has been obliged to leave the regiment on account of ill health, and Major Frederick Miller has been selected, and is now doing duty in his stead, the assignment of Major Miller is hereby approved of and confirmed, and you will notify Lt. Col. Philetus Swift and Major Miller thereof, and direct him to continue his services as a major thereof regiment, and to be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

To Brig'r General William Wadsworth.

G. O.: Headquarters, Albany, 6th July, 1812.

The brigade quartermaster of the sixteenth brigade of Infantry, having resigned his said office, which resignation is accepted; the Commander in Chief hereby brevets and assigns David Sill to be the brigade Quartermaster of the said brigade, who will be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 6th, 1812.

Doct'r Jonothan Hedges, who was assigned by General orders of the 15th day of June last as Surgeon of the detached regiment of artillery commanded by Lt. Col. Stephen Thorn, having declined the said office in consequence of ill health; the Commander in Chief assigns Josephus B. Stuart of the City of Albany, to be surgeon of the said detached regiment of artillery, and Samuel Field, Jun'r, to be Surgeon's mate thereof.

There being a mistake in the name of the Paymaster of the said Regiment as announced in the former General Order, the Comm'r in Chief assigns Clement C. Moore of the City of New York, to be Paymaster, instead of Clement Moore, mentioned in the said General Order.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 6th July, 1812.

Upon the recommendation of Genl. John I. Van Rensselaer, commandant of the second Brigade of Cavalry, the Commander in Chief is pleased hereby to brevet and assign the following persons as officers within the said brigade, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be manifested in the premises, vizt:

John Trotter of the City of Albany, Surgeon's Mate of the Third Regiment of Cavalry; John Epps, 2d Lieutenant, vice Bellamy transferred; and Friend Humphrey, cornet, vice Epps, promoted, in the troops commended by Capt. Chauncey Humphrey, in the said Third Regiment of Cavalry.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 10th July, 1812.

Lt. Col. Joseph Green of the seventh detached regiment of militia of the State of New York, having selected and returned the following staff officers for his said regiment, vizt: Amos Holton, Quartermaster; Jesse S. Leigh, Paymaster; Samuel Rowley, Chaplain; John Y. Lansing, Surgeon;

The said selection is hereby confirmed and the said respective

B. Odell as Lieutenant, and Robert P. Ross as Ensign thereof, until the Council of Appointment shall have signified its pleasure in reference thereto.

The uniform prescribed by the 37th section of the militia law of the 29th day of March, 1809, for light Infantry Corps, is dark blue coats with white linings, scarlet facings, collars and cuffs, and white underclothes, and the buttons of the uniform shall be either of white or yellow metal, in the discretion of Brig'r General Van Cortlandt.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 20th, 1812.

The Commander in Chief hereby directs the company of horse artillery at Schenectady, commanded by Capt. John B. Yates, to parade annually five times by company, one of which for the purpose of inspection; and that Captain Yates make an annual inspection return thereof, to the Commandant of the first regiment of Artillery.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 20th, 1812.

At the request of Col. Thompson Mead, the Commander in Chief is pleased hereby to brevet and assign Mr. Elisha Ransom as Chaplain of the one hundred and fifth regiment of Infantry.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 20th, 1812.

Major Charles Moseley, commandant of the riflemen battalion, organized within the twenty-seventh brigade of Infantry, having

recommended George H. Grosvenor to be assigned as Ensign in the company of the said battalion, whereof Charles B. Bristol is captain; the Commander in Chief is pleased to comply with the said recommendation, and accordingly does hereby appoint, brevet and assign the said George H. Grosvenor to be Ensign of the before mentioned company; who is to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be expressed in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

ANOTHER CONTROVERSY OVER RANK.

G. O.: Headquarters, Albany, July 20th, 1812.

Whereas it has been represented on the part of Capt. Tyler Dibblee of the fourth regiment of Artillery, that he has been superseded, in consequence of the promotion to a majority in the same regiment, of Capt. Gilbert Ketchum, whose commission of captain was posterior in date to that of Capt. Dibblee (?); and whereas it is alleged in behalf of Major Ketchum that Captain Dibblee consented to waive his right of senior captain, and acquiesced in the subsequent promotion of the former to the office of Major;

Now, therefore, in order to determine the controversy between the said parties, the Commander in Chief deems it proper to appoint a board of officers, to consist of Brig'r General John B. Van Wyck of the thirtieth brigade of Infantry, as President, Lt. Col. James Tallmadge, Jun'r, of the eighty-fourth and Major Chauncey Belknap of the fourteenth regiment of Infantry, as members thereof.

The board will assemble on the 8th of August next, at ten o'clock in the forenoon of the same day, at Ruggles and Bostwick's Hotel, in the village of Poughkeepsie, and the President thereof is to cause the members to be notified; and Lieut. Col. Nathan Myers will cause notice to be given to Capt. Dibblee and Major Ketchum of the time and place at which the said board is directed to convene; and the President and other members of the board will ascertain the truth or fallacy of the representations and allegations herein set forth, and will forthwith report to the Adjutant General the facts attending the case and their opinion thereupon.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

A NUMBER OF NEW MILITARY COMPANIES ORGANIZED.

G. O.: Headquarters, Albany, July 20th, 1812.

The Commander in Chief does hereby organize a company of Artillery in the town of Chazy, Clinton County, and attaches the same to the sixth Regiment of Artillery, and brevets and assigns..... as captain, as first Lieutenant, and as second Lieutenant thereof, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 20th, 1812.

The Comm'r in Chief is pleased hereby to organize a company of Riflemen in Major Elihu Granger's Battalion in the County of Ontario; and brevets and assigns Nathan Parke as captain, Jared

Willson as Lieutenant, and George H. Boughton as Ensign thereof, until the Council of Appointment shall have signified its pleasure touching the same.

And the Commander in Chief directs that the said company be uniformed in green rifle frocks, and pantaloons with yellow fringe and buttons, black half gaiters, round black hats with yellow buttons, black loops and short green feathers.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, July 20th, 1812.

The Commander in Chief in conformity to the 35th section of the Militia Law of 1809, does hereby organize a company, in the town of Plattsburg, Clinton County, to be denominated "The Veteran Exempts", and brevets and assigns General Melancton Lloyd Woolsey as captain, Judge Kirmer Newcomb as first Lieutenant, Capt. John Stevenson as Second Lieutenant, and Col. Marinus F. Durand as Ensign thereof, until the pleasure of the Council of Appointment shall have been signified in relation thereto.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 20th July, 1812.

The Commander in Chief, pursuant to the authority vested in him by the 35th section of the Militia Law of 1809, is hereby pleased to organize in the town of Potsdam, and County of St. Lawrence, a company to be called "The Potsdam Veterans", and brevets and assigns Giles Parmele as captain, Ammi Carrier as Lieutenant, and Hosea Bacon as Ensign thereof, until the

Council of Appointment shall have signified its pleasure in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 20th July, 1812.

The Commander in Chief, conformably to the 35th section of the Militia law of 1809, does hereby organize in the town of Madrid and County of St. Lawrence, a company to be denominated "The Madrid Veterans", and brevets and assigns Nathan Burlingame as captain, Alexander Brush as Lieutenant, and Isaac Buck as Ensign thereof, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York 31st July, 1812.

At the request of Col. McClure, the Commander in Chief is hereby pleased to organize a rifle company in the first regiment of riflemen, and to assign Gregory Dillon as captain, John Higgins Junior as Lieutenant, and Anthony Calahan as Ensign thereof, until the Council of Appointment shall have announced its determination in the premises. And the Commander in Chief directs that the said company, and the company commanded by Captain Powers, be uniformed the same as Major Fisher's battalion belonging to the said regiment.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 11th Aug't, 1812.

Whereas a number of persons, inhabitants of the town of Trenton in the County of Oneida, being severally exempted from

military duty, on account of services in the late war, or age, have associated themselves together and formed a company, pursuant to the 35th section of the act of the Legislature of the State of New York, entitled "An Act to organize the militia of this State", passed the 29th day of March, 1809; And whereas the said persons have signed a roll, pledging themselves to bear arms and take the field in the said town or any of the adjoining towns, and in such other places as the board of officers and a majority of the company may deem necessary and prudent;

NOW, THEREFORE, the Commander in Chief, in pursuance of the authority vested in him by the said Act, does hereby organize the said association as a company of Infantry, and does commission by brevet, Adam G. Mappa as captain, Pascal C. T. D'Angelis as Lieutenant, and Walter Fowler as Ensign thereof.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, 11th Aug't, 1812.

Whereas a number of persons, inhabitants of town of Henderson and County of Jefferson, being exempted from military duty, have associated themselves together and formed a company pursuant to the 35th section of the Act of the Legislature of the State of New York, organizing the militia thereof, and have subscribed a roll pledging themselves to bear arms and take the field for the space of one year to defend the frontier of the County of Jefferson adjoining Lake Ontario and the river St. Lawrence;

NOW, THEREFORE, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Infantry, and commissions and brevets Mark Hopkins to be captain, John S. Por-

ter to be Lieutenant, and Merral Danley to be Ensign of the said company.

By order of the Commander in Chief:

Arch'd Campbell, Aid-de-Camp, P. T.

ASSIGNMENTS.

G. O.: Headquarters, New York, 29th July, 1812.

The Commander in Chief does hereby brevet and assign Stephen Storm as captain, Abraham Lott as first Lieutenant, and Samuel Thomson as second Lieutenant in the Third Regiment of Artillery, and Richard P. Bush as first Lieutenant, and Francis Allyn as second Lieutenant, in the eleventh regiment of Artillery.

And whereas Doctor Fayette Cooper, of the City of New York, having officiated as Surgeon to the detachment from the first brigade of Artillery, since it was ordered into the service of the United States, he is therefore, hereby brevetted and assigned as Surgeon thereof.

The officers above mentioned are to be obeyed and respected, according to their rank, until the Council of Appointment shall have signified its pleasure in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

AN ORDER FOR TROOPS TO RENDEZVOUS ON AUGUST TWENTY-FOURTH.

G. O.: Headquarters, Albany, 13th August, 1812.

In pursuance of a requisition by the authority, the President of the United States, the fourth brigade of detached militia of the State of New York, embracing that portion of the quota of the said State comprehended in the Counties of Albany, Saratoga, Greene, Delaware, Schoharie, Schenectady and Montgom-

ery, except as hereinafter mentioned, is hereby ordered into service to assemble and rendezvous respectively, on the 24th day of August instant, by eleven o'clock, in the forenoon, in the manner and at the places following, vizt: that part of the said detached brigade comprehended in the County of Saratoga to rendezvous at the Inn of Zera Beach in the town of Ballston in said County; that part of the said brigade which is in Montgomery County and north of the Mohawk River, will rendezvous at Johnstown, and the residue of the Montgomery detachment, being that part south of the Mohawk River, will rendezvous at the village of Little Falls, in Herkimer County; that part of the said detached brigade taken from the fourteenth brigade of Infantry, commanded by Brigadier Genl. Mackey, to rendezvous at the Court House in Schenectady; and that part detached from the thirty-first brigade of Infantry, commanded by Brig'r Genl. Trotter, will assemble and rendezvous at the Arsenal in the town of Colonie, near the City of Albany .

The detachment from the thirty-seventh brigade of Infantry, commanded by Brigadier General Haight, will rendezvous at the village of Cairo in the County of Greene; the detachment from the County of Delaware will rendezvous at the Court House in the said County, in Delhi; and the detachment from the County of Schoharie will rendezvous at Middleburgh in the said County.

The non-commissioned officers and privates must be completely equipped, by being furnished respectively, with their own clothing, and with a musket or rifle, cartridge box, knapsack, blanket, and canteen. Tents, camp kettles, and the means of transporting baggage, will be provided by the public and will be in readiness on the day and at the place of rendezvous. General Dodge will assign the particular houses in Middleburgh, Cairo, and Little

Falls, at which the Schoharie, Greene and South Montgomery detachment will assemble.

The volunteers, or men drafted from the militia of the towns of Wells and Lake Pleasant, in the County of Montgomery, from Birdsall's company of riflemen, in Watervliet, from the Albany volunteers, the Albany Republican Greens, Captain Cobb's Rifle Company, Captain Marshall's rifle company, at New Baltimore, and from the Light Infantry companies of Catskill and Athens, are excepted from, and will not rendezvous with the fourth detached brigade above-mentioned, but will march with their said respective companies, as will be directed by future general orders. Captain Waterman's company of Artillery of Ballstown, in Saratoga County, will rendezvous with the Saratoga detachment, and will march from thence, under the command of Lieutenant Colonel Prior, and with his regiment. Brigadier General Dodge will cause the brigade to be mustered as soon as possible, and report the state thereof to Major General Dearborn, at his headquarters, at Greenbush in Rensselaer County, and will receive and obey his instructions with respect to the destination and time of march of the brigade.

As the object of calling the present detachment into service is as well to relieve a regiment of militia which has been in service at Sackett's Harbor and Ogdensburg ever since the month of May last, as to protect and defend our brethren (sic) on the northwestern frontier of this State from any incursions of the enemy, or cruel depredations of savages, the Commander in Chief cherishes a confident hope that not a man will shrink from the performance of a duty so impressive and patriotic.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ADVANCING UPON THE CANADA LINE.

G. O.: Headquarters, Albany, 13th Aug't, 1812.

The nineteenth detached regiment of militia of this State, commanded by Lt. Col. Henry Bloom, being part of General William Wadsworth's detached brigade, pursuant to the directions of the President of the United States, is hereby ordered into the service of the United States, and is to repair to Lewiston or Black Rock, and receive and obey the orders of the commanding officer in the service of the United States at that frontier. The regiment will rendezvous in battalions or by regiment, as may be directed by Brigadier Genl. John Tillotson, who is the senior brigadier general and will act as Commandant of the seventh division of the militia of this State in the absence of Major General Hall.

The non-commissioned officers and privates must severally appear at the place of rendezvous, armed with a musket or rifle, and equipments, accordingly, and with a knapsack, blanket, canteen and necessary clothing, tents and camp equipage will be provided and be ready for the use of the regiment at the times and places of rendezvous.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

CAPT. MATCHIN'S ARTILLERY COMPANY ORDERED TO THE FRONT.

G. O.: Headquarters, Albany, 14th Aug't, 1812.

Captain Matchin's volunteer company of artillery will rendezvous with the south Montgomery detachment, at the village of Little Falls, on the 24th day of August instant, at eleven o'clock in the forenoon, equipped with clothing, swords, knapsacks, blankets and canteens ready for service; and will enter into the service of the United States on the said 24th day of August instant,

and with Genl. Dodge's detached brigade, and will march with said brigade, and be subject to the orders of the commandant thereof, to Sackett's Harbour, or such other place on the frontier as may be directed by the said commandant.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ASSIGNMENTS TO COMMAND.

G. O.: Headquarters, New York, 18th Aug't, 1812.

Upon the recommendation of Lieut. Colonel Jeremiah Johnson, Commandant of the sixty-fourth Regiment of Infantry, the Commander in Chief hereby brevets and assigns John Dickenson, Surgeon's Mate of the said sixty-fourth regiment, and directs that the said John Dickenson be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be ascertained and made known.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, New York, 19th Aug't, 1812.

The Commander in Chief, in conformity to the 35th section of the militia law of 1809, does hereby organize a company of Infantry in the town of Wells, Montgomery County, to be called "The Wells and Lake Pleasant Guards," and brevets and assigns William Burke Peck as Captain, Cornelius J. Francisco as Lieutenant, and John L. Francisco as Ensign thereof.

And the Commander in Chief is further pleased, in pursuance of the authority aforesaid, to organize a company of Infantry in the town of Remsen, Oneida County, to be denominated "The Silver Greys," and brevets and assigns Gershom Hinkley as Cap-

tain, Zalmon Root as Lieutenant, and Lemuel Hough as Ensign thereof.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

NEW YORK STATE LOOKS AFTER NEW YORK CITY.

G. O.: Headquarters, New York, Aug't 19th, 1812.

The existing state of war between the United States of America and the territories thereof, and the Kingdom of Great Britain and Ireland and its dependencies, together with the withdrawal of the greatest part of the regular troops of the United States from the Harbor of New York, have produced an emergency in which it is proper for the Commander in Chief to call into service any portion of the militia of the State according to the provisions of the Militia law of this State. And whereas, to provide for the said emergency, a requisition has been made for a certain number of the Artillery and Infantry of the State of New York, by the President of the United States, pursuant to the Act of Congress in that case made and provided, and passed the 28th day of February, 1795;

Now, therefore, by reason of the premises, and for the protection and defence of the said City of New York, the Commander in Chief directs that the following companies of artillery and Light Infantry rendezvous for the said service equipped according to law, on Thursday the 27th day of August instant, at eleven o'clock in the forenoon, at the places hereafter mentioned, viz:

Captain Walker's Company of Artillery at the City of Albany.

Wigton's	"	"	Hudson.
Stocking's	"	"	village of Catskill.
Nelson's	"	"	" Poughkeepsie.
Butterworth's	"	"	" Newburgh

Captain Buckley's Company of Light Infantry at the City of Albany. |

Dubois Company of Light Inf. at the village of Catskill.

Pierson's " " Athens.

Wilson's " " Poughkeepsie.

Lawson's " " "

Denniston's " " Newburgh.

Birdsall's " " "

The particular houses at which the respective companies shall rendezvous will be selected by the respective commandants of the said companies.

Each company must remain at its place of rendezvous ready to embark, until the more northerly companies shall arrive and fire a signal gun.

The troops embraced in this order are destined for the fortifications on Staten Island, and will be liable to continue in the service of the United States for the term of ninety days from the time of their meeting at the place of rendezvous unless sooner discharged.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant-General.

MAJOR HOLLEY ASSIGNED TO A BOARD.

G. O.: Headquarters, New York, 21st Aug't, 1812.

The President of the board of officers, instituted by General Orders of the 20th day of July last, having declined acting, and having since been removed from office, Major Augustus N. Holley, Brigade Quartermaster of the twelfth brigade of Infantry, is therefore, hereby appointed a member of the said board; which will now consist of Lt. Col. James Tallmadge, Junior, as President, and Majors Chauncey Belknap and Augustus N. Holley as

members thereof; and will assemble on Friday next at the hour and place assigned by the above mentioned general orders, and will proceed as therein directed.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant-General.

TROOPS FOR THE WEST BATTERY IN NEW YORK.

G. O.: Headquarters, New York, 22d Aug't, 1812.

Captain Stocking's Company of Artillery and Capt. Dubois' Company of Light Infantry, part of the requisition made by General Orders of the 19th instant, having arrived at this city from Catskill, the Commander in Chief is pleased to direct that the said companies rendezvous at the West battery, and place themselves under the command of Major Swartwout until further orders.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

A COMPANY OF INFANTRY ORDERED TO THE NARROWS.

G. O.: Headquarters, New York, Aug't 22d, 1812.

Captain Hartell's Company of Light Infantry, being volunteers under the act of Congress, passed the 5th of February last, will rendezvous on Monday the 31st of August instant, at 9 o'clock in the forenoon, for the service of the United States, pursuant to the requisition of the President. Their destination will be Fort Tompkins on Staten Island; but they will remain embodied, in the City of New York, until further orders.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

ASSIGNMENTS TO COMMAND.

G. O.: Headquarters, Albany, Aug't 24th, 1812.

Edward C. Willard is hereby assigned and brevetted as Surgeon's Mate of the tenth regiment of the fourth brigade of the detached militia, in the service of the United States, and is to be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, Aug't 24th, 1812.

Major John Willard, of the line of the fourth detached brigade, commanded by General Dodge, is assigned to act as brigade quartermaster of the said brigade, in lieu of Major Gansevoort, who declines the said office. Major Willard is to be obeyed and respected accordingly.

By order of the Commander in Chief:

J. B. Yates, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, Aug't 25th, 1812.

Lodowick S. Babcock, and certain others, his associates, have raised a company of volunteers under the act of Congress authorizing the President to organize certain volunteer military corps, passed 6th February, 1812. The Commander in Chief is pleased hereby to organize the said Lodowick S. Babcock and his associates into a troop of cavalry into the second squadron of the fifth regiment of cavalry of this State, and assigns and brevets the said Lodowick S. Babcock to be Captain, John Kenney first Lieutenant, Royal Terry 2d Lieutenant, and Gideon R. Fitch cornet, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

THREE INFANTRY COMPANIES ORDERED FOR THE DEFENCE OF SAG
HARBOR, LONG ISLAND.

G. O.: Headquarters, Albany, Aug't 26th, 1812. }

Pursuant to a requisition of General Armstrong, by the authority of the President of the United States, three companies of forty men each, belonging to the thirty-third brigade of Infantry of this State, are to be formed and put into the service of the United States for the defence of the County of Suffolk. One company of foot artillery will be stationed at Sagg Harbour to protect the Arsenal and to manoeuvre the cannon stored at the place in case of an emergency. One company of infantry, and another of Horse Artillery or cavalry will be ordered into service from the said brigade, and be disposed of for the defence of Suffolk County, as may be directed by brigadier General Rose. General Rose will also assign the officers of the said companies, station the said companies of Infantry and Horse Artillery or cavalry as he may deem most useful for the protection of the inhabitants of Suffolk County, and will in other respects, regulate the organization and destination thereof. The said companies will be subject to the orders of General Armstrong, at the City of New York, to whom the commandants of said companies will report themselves, and from whom they will receive further instructions and orders.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

THREE COMPANIES CONSOLIDATED INTO ONE.

G. O.: Headquarters, Albany, Aug't 26th, 1812.

It appearing that the detached companies intended to be commanded by Captains Montgomery, Bullock and Le Grange, and the detachment of riflemen under Ensign Wayne, amount to-

gether to less than 100 men, and that the commissioned officers except those hereinafter mentioned, are either sick or otherwise unprepared to go into service;

The Commander in Chief, therefore, directs that Brigadier General Dodge excuse all the officers attached to the said detached corps from service, except Captain Montgomery, Lieutenant Vanderheyden and Ensigns Wayne and Roff, and that he organize the said detached companies into one company with the said last mentioned four officers, or into two companies with two commissioned officers to each, or the riflemen separately.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

MORE ASSIGNMENTS TO COMMAND.

G. O.: Headquarters, Albany, Aug't 26th, 1812.

Dean Edson, who was assigned Brigade Q'r Master of the third detached brigade of the militia of this State, having resigned the said station, and General Pettit, commandant of said brigade having accepted the same and assigned William Ray to officiate in said station, the Commander in Chief hereby approves of the said resignation and assignment, and directs accordingly that the said William Ray be recognized, obeyed and respected as Brigade Quarter master of said detached Brigade until further orders.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, August 26th, 1812.

The Second Regiment of Riflemen will at their regimental Parade, be reviewed and inspected by the Adjutant of said Regiment

under the orders of the Lt. Col. Commandant thereof. The adjutant at the parade will be obeyed as brigade Major and Inspector, and will transmit to the Adjutant-General a correct return of said Inspection. The battalions of said Regiments having been directed by former orders to have one of their battalion parades at the same time and place with the Regiments of Infantry at their annual parades of review and Inspection, and at those parades to be subject to the orders of the Brigadier Generals of Infantry to whose brigades they were respectively attached, are hereby excused from so much of those orders as directs such parades for annual inspection.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, New York, Aug't 31st, 1812.

The Commander in Chief does hereby brevet and assign Samuel Woodruff, Surgeon's Mate of the first detached Regiment of Infantry of this State, commanded by Lieutenant Colonel Beekman M. Van Beuren.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 3d Sept., 1812.

Abraham Brinkerhoff Jun'r is hereby brevetted as Captain and Egbert Benson Jun'r as second Lieutenant, in the Second Regiment of the first brigade of Artillery, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 4th Sept., 1812.

The Commander in Chief judges it proper hereby to brevet John L. Riker as Captain in the Ninety-seventh Regiment of Infantry,

to take rank from the eleventh day of August; and also James F. De Peyster, an Ensign in the said Regiment, until the Council of Appointment shall have signified its pleasure in relation thereto.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, Aug. 5, 1812.

Dr. Robert McDonald of Albany is assigned as Surgeon's Mate of the seventh detached regiment of militia now in service under the command of Lt. Col. James Green, and will be obeyed and respected accordingly. He is directed to repair to Plattsburgh and report himself to Lt. Colonel Green. The pay and subsistence of Dr. McDonald will commence from this day.

By order of the Commander in Chief:

William S. Wilkin, Priv. Secry., P. T.

MORE TROOPS FOR THE FRONT.

G. O.: Headquarters, Albany, Aug't 27th, 1812.

In pursuance of a requisition made by the authority of the President of the United States, the Sixth Brigade of detached militia of this State, commanded by Brigadier General Daniel Miller of Cortlandt County, and composed of the Regiments whereof Farrand Stranahan and Thompson Mead are Lieutenant Colonels Commandants; and the ninth regiment of the third detached brigade of Infantry, to the command of which Peter J. Vosburgh has been assigned as Lt. Col. Commandant, are hereby ordered into the service of the United States, and will rendezvous for that purpose, by battalions, on Tuesday the 8th day of September next, at the hour of ten in the forenoon, at such places as the respective commandants of the said detached Regiments shall assign for that purpose.

The non-commissioned officers and privates must appear completely equipped with their own clothing, and a musket or rifle, cartridge box, knapsack, blanket, and canteen; tents, camp-kettles, and the means of transporting baggage will be ready on the day and at the respective places of rendezvous.

The volunteers and men drafted from the Rifle battalions of Rensselaer County, from Captain Waterman's Light Infantry at Hudson, and from the two light Infantry companies at Troy, are excepted from, and will not rendezvous with the detached corps above-mentioned, but will remain and march with their said respective companies, as may be directed by future general orders.

The officers, non-commissioned officers or privates who shall refuse a prompt compliance with this order, will be dealt with as directed by the Act of Congress, passed the 28th day of February, 1795, of which a copy is annexed.

The Commander in Chief flatters himself that no one will be so unmindful of the duty of a citizen soldier, as to incur the penalties of the said act, but that on the contrary a unanimous disposition will prevail to manifest the promptitude and efficacy of a patriotic Militia when called into the service of their country.

By order of the Commander in Chief:

Robert Macomb, Lt. Col. and Aide-de-Camp.

G. O.: Headquarters, New York, Aug't 31st, 1812.

A number of volunteer Corps, from the cities of Albany and Hudson, and the villages of Athens, Catskill, Poughkeepsie and Newburgh have arrived at this City, and will, together with Capt. Hartell's Company of Light Infantry, rendezvous at the Arsenal, at the corner of White and Elm streets, to-morrow morning, September the first, precisely at seven o'clock. From the Arsenal they will proceed to Whitehall, and there embark

for the State Forts at Staten Island. As the above mentioned troops are destined to aid in the defence and protection of the harbour and the City of New York, they will be escorted by the uniform troops of the City from the Arsenal to White Hall. For that purpose the first brigade of Artillery, the first Regiment of Riflemen, Major Warner's Squadron of Cavalry and the uniform independent companies of the City of New York, not attached to the said Brigade, regiment, and squadron, are directed to parade, uniformed and equipped, under the command of Brigadier General Morton, to-morrow morning, precisely at 6 o'clock.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 1st Sept., 1812.

The Commander in Chief feels the greatest satisfaction in announcing to the several independent companies, destined for the public service at the Narrows, the high sense he entertains of their patriotic promptitude in obeying the call of their country. Their appearance and behaviour, during the parade of this day, reflects the most distinguished honor on the whole corps and demand and receive the unqualified praise and thanks of the Commander in Chief.

The said corps are formed into a regiment, and the following organization of commissioned officers, therefor, is hereby adopted and confirmed, and all officers herein assigned or brevetted are to be obeyed and respected accordingly, in the several offices opposite their respective names:

Robert Swartwout, Lieut. Colonel Commandant; Alexander Denniston, William Wigton, Majors; James Williams, Adjutant;

John Merryfield, Quarter master; John Gott, Paymaster; Peter J. Van Pelt, Chaplain; Benjamin Dewitt, Surgeon; John Barnes, Surgeon's Mate.

ARTILLERY COMPANIES.

Henry Butterworth, Captain; Purdy Fowler, 1st Lieutenant; John Carman, 2d Lieutenant.

Jared Stocking, Captain; James Bogardus, 1st Lieutenant; Daniel Sands, 2d Do.

Calvin Walker, Captain; John L. Clark, 1st Lieutenant; Lewis Clark, 2d Do.

Joseph Nelson, Captain; Zacharius S. Flagler, 1st Lieutenant; Garret L. Lansing, 2d Do.

Elias Werden, Captain; Philo Doane, 1st Lieutenant; Samuel Frisby, 2d Lieutenant.

LIGHT INFANTRY COMPANIES.

Isaac Dubois, Captain; David G. Abeel, Lieutenant; John Van Valkenburgh, Ensign.

Christian Hartell, Captain; George W. Varian, Lieutenant; John Ten Broeck, Ensign.

Peter P. Lawson, Captain; Robert Luckey, Lieutenant; Sylvester Earle, Ensign.

Silas Pierson, Captain; Calvin Bailey, Lieutenant; John Williams, Ensign.

James Wilson, Captain; Joseph H. Cunningham, Lieutenant; Nicholas Power, Jun'r, Ensign.

Chester Buckley, Captain; Thomas Carson, Lieutenant; Levi Steele, Ensign.

Charles Birdsall, Captain; Silvester Roe, Lieutenant; Robert Gardner, Ensign.

James Hamilton, Captain; John H. Walsh, Lieutenant; George Gordon, Ensign.

Lieut. Col. Swartwout will report the state of the Regiment to Brigadier General Armstrong, and the said Lieutenant Colonel and all the other officers thereof, are strictly charged, and enjoined to exert themselves, in every respect to promote the comfort and accommodation and preserve the health of the Excellent troops under their command.

By order of the Commander in Chief:

D'l Dunscomb, Jun'r, Aid-de-Camp, P. T.

TWO MORE REGIMENTS ORDERED INTO SERVICE.

G. O.: Headquarters, New York, Sept. 3d, 1812.

The state of the City and Harbor of New York having made it necessary to order into the service of the United States a part of the militia of this State, and a requisition having been made by the authority of the President of the United States, for a certain portion of the said militia under the act of Congress of the 28th of February, 1795; and also for a part of the quota of the State of New York of one hundred thousand militia according to the act of Congress passed the 10th of April, 1812;

The Commander in Chief is, therefore, pleased to direct that the first and second detached Regiments of Infantry, and the first brigade of artillery under the command of Brigadier Genl. Morton (except the horse artillery of the said brigade and the companies of foot artillery in Suffolk County), rendezvous on the 15th inst. at ten o'clock in the forenoon, in the manner following, that is to say; the said brigade of Artillery will assemble at such places in the City of New York as Brigadier General Morton shall direct, by brigade orders; and the said regiments

of Infantry at such place or places as their respective commanders shall direct in Regimental orders.

Captain Piercey's volunteer troop of Cavalry of Major Warner's Squadron, and Captain Stryker's company of riflemen in Kings County, are also ordered into service, and will rendezvous with Lt. Col. Van Beuren's detached regiment, as part thereof and under his orders.

The above mentioned Corps are to be encamped in the City of New York or Kings County, and will be subject to the orders of General Armstrong, to whom the Brigade Quartermaster of Artillery, and the regimental Quartermasters of Infantry, will seasonably apply for instructions relative to the supply of quartermaster stores, camp equipage, and other needful articles, for the accommodation of the said troops.

The men detached from the company of riflemen, lately commanded by Captain Munson, from the company of riflemen commanded by Captain Seaman, and from the battalion of riflemen lately commanded by Major McClure, are hereby excepted from, and will not rendezvous with Col. Van Beuren's detached Regiment, but will hereafter march with their respective companies as may be prescribed in future general Orders.

The Commander in Chief indulges a sanguine expectation that the object of the present requisition, being the protection of the southern frontier of this State, will excite a lively interest amongst the patriotic officers, soldiers, and citizens of the Southern district, and will call forth their united influence and exertions, to cause all the troops called into service by this order, to be furnished with complete equipments and accommodations, and to rendezvous with punctuality and cheerfulness.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

A COMPANY OF EXEMPTS FOR THE PROTECTION OF THE ONTARIO
FRONTIER.

G. O.: Headquarters, Albany, Sept. 7th, 1812.

Whereas a number of persons inhabitants of the town of Williamson, and County of Ontario, being exempted from militia duty, have associated themselves together and formed a company pursuant to the 35th section of the act of the Legislature of the State of New York organizing the militia thereof; and have subscribed a Roll pledging themselves to bear arms and take the field to defend the frontier of the County of Ontario;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a Company of Infantry, and commissions and brevets Abraham Gallop to be the Captain, James Calhoun to be the Lieutenant, and Neil Alexander to be the Ensign of the said company.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

ASSIGNMENTS.

G. O.: Headquarters, Albany, Sept. 4, 1812.

Mr. Olney Briggs is hereby assigned and brevetted as Lieutenant in the One hundred and fifteenth Regiment of the militia of this State and is to be obeyed and respected accordingly.

By order of the Commander in Chief:

Arch'd Campbell, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, Sept. 7, 1812.

At the request of Lt. Col. Calvin Rich, commandant of the eleventh detached Regiment of the militia of this State, the

Commander in Chief hereby approves and confirms the assignment of the following staff officers, selected by him for his regiment, and accordingly assigns and brevets Olney Briggs, Adjutant; George Baker, Quartermaster; Rufus Morris, Paymaster, and Lemuel Smith, Chaplain, of said detached Regiment, who are to be obeyed and respected accordingly therein.

By order of the Commander in Chief:

Arch'd Campbell, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, Sept. 8, 1812.

Pursuant to a recommendation of Lt. Col. Joseph Clyde, the Commander in Chief is pleased to organize a company of Riflemen in the One hundred and twelfth Regiment of Infantry, whereof the said Joseph Clyde is commandant, and brevets and assigns Summer Ely for Captain; James Van Volkenburgh for Lieutenant, and Levi Pitts for Ensign, of said company, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

Wm. S. Wilkin, Aide-de-Camp, P. T.

ORDNANCE FOR SACKETT'S HARBOR. TROOPS FOR NIAGARA.

G. O.: Headquarters, Albany, Sept. 9, 1812.

Several pieces of ordnance &c. will leave this for Utica on Thursday, with a detachment of United States Horse Artillery. They will arrive at Utica about Tuesday next. The ordnance is to go from thence to Sackett's Harbor, but the detachment will proceed to Niagara. General Dearborn has made a requisition for me to have a detachment of Artillery or Horse Artillery ready at Utica to escort the ordnance to Sackett's Harbor.

Your company will rendezvous for that purpose on Monday next and proceed to Utica, where they will remain till the cannon shall arrive, and then immediately start with them for Sackett's Harbor, and press on with the greatest diligence. There will be a traveling forge for heating shot to fire at shipping from the fort at the harbor.

The contractor at Utica will supply rations, and you will consult Capt. Gibson, as to the mode of supplying forage and other articles on your journey. Captain Gibson is an experienced officer of the United States Horse Artillery.

The services of your company are required, under and pursuant to the Act of Congress passed 28th February, 1795, of which I send you a copy.

Until your arrival at Utica, you will have your men supplied with provisions and forage as cheap as possible, after which the contractor at Utica will supply provisions, and your own officer will prepare forage. You may take the field pieces and other articles attached to your company, or such part as you think proper, along with you. Mr. Tracy will hand you one hundred dollars, to defray the incidental expenses of rendezvousing, for which you are to account to me, with vouchers as soon as possible.

The alarm and anxiety on the frontiers, arising from the disasters at Detroit, compel me to require the services of the uniform volunteer companies immediately, and I trust the protection of women and children, who may, but for their assistance, be the victims of savage barbarity, will stimulate the patriotism and awaken the fraternal feelings of every man, and induce a free, eager and unanimous compliance with this requisition.

To Capt. Asa B. Sizer.

P. S. On your arrival at Sackett's Harbor you will report yourself to Genl. Jacob Brown or General Dodge, whichever may command there, and obey the orders of the one so commanding.

INSTRUCTIONS FOR COL. TOWNSEND.

G. O.: Headquarters, Albany, Sept. 11, 1812.

Lt. Col. Townsend, commandant of the Thirteenth Brigade of Militia will cause the General orders of the 21st day of April last, to be carried into prompt and full effect. A copy of the said General Order, together with copies of the subsequent General Orders, relative to the detachment of militia, will be forthwith furnished to the said commandant.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

AND FOR CAPT. MAGHER.

Albany, Sept. 11, 1812.

I was absent from this place when your letter of the 31st ultimo came to hand.

In compliance with your request, I have addressed a letter to Col. Stranahan desiring him to attach the eight men drafted from the light Infantry Company under your command, to your own Company, whenever the rest of your company shall come up with his regiment.

There is an indispensable necessity for ordering out a number of Independent Corps, under and pursuant to the act of Congress passed 28th February, 1795, of which a copy is enclosed for your information. You will, therefore, assemble the rest of your company, and join Col. Stranahan's regiment as soon as possible. Should his regiment have left Litchfield before you can join

them, you will follow them with as rapid marches as possible. The bearer takes out tents, camp kettles, and knapsacks, for your company. They must find their own blankets, and canteens, also musket, cartridge box, &c. Those who may be deficient in muskets will be supplied at Canandaigua, or on their arrival at Niagara. The propriety of reinforcing General Van Rensselaer at Niagara, without delay, compels me to urge upon you the most vigilant and prompt attention to the execution of this order. The Brigadier Quarter master Packard, will pay the expense of transportation, if you should be able to rendezvous and march with the regiment; but if the regiment should have marched before your company can rendezvous, the bearer is directed to return to Cherry Valley and supply you with some cash to defray the contingent expenses of your march on the road.

To Captain Peter Magher.

ASSIGNMENTS.

G. O.: Headquarters, Albany, Sept. 12, 1812.

Upon the recommendation of Lt. Col. Zebulon Douglass, commandant of the Seventy-fourth Regiment of the militia of the State of New York, the Commander in Chief hath brevetted and assigned Ichabod S. Spencer an officer of the line of said regiment, to be the Adjutant thereof, who is to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

William S. Wilkin, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, 12th Sept., 1812.

Major Thomas Greenly, who by General Orders of the 18th day of June last, was assigned as Brigade Major and Inspector of the

of the United States, at Lake Champlain and the northern frontier of this State, extending from Lake Champlain westerly to St. Regis, and the said Samuel Edmunds is to be obeyed and respected accordingly, until further General Orders.

By order of the Commander in Chief:

William S. Wilkin, Aid-de-Camp, P. T.

SEVERAL MORE COMPANIES ORDERED TO THE FRONT.

G. O.: Headquarters, Albany, 15th Sept., 1812.

The officers, non-commissioned officers, musicians and privates of Captain Lyon's and Captain Higbee's companies of Light Infantry of Troy, of Captain Warner's Light Infantry company of Columbus County, and of Captain Birdsall's company of Riflemen of Watervliet, Albany County, are hereby, conformably to directions by authority of the President of the United States, and pursuant to the act of Congress in that case made and provided, passed the 28th day of February, 1795, ordered into public service to rendezvous for that purpose at the Park, in the village of Troy, on Friday next, 18th instant, at nine o'clock in the forenoon. Quartermaster John Sampson of Troy will report himself to the Commander in Chief, at Headquarters in Albany, on Thursday morning next at ten o'clock to receive the necessary camp equipment, advances to defray the expense of transportation, and instructions relative to the duties of Quartermaster for said detachment. The destination of the four companies before mentioned is Plattsburgh, in the County of Clinton.

The senior officer present will command the detachment from the time of its assemblage at Troy, until it arrives at Plattsburgh, where he will report himself and the corps under his command to

Brigadier General Bloomfield, the commandant on that station, and will receive and obey his orders. Capt. Emigh's Troop of Cavalry are directed to assemble on the same day, place, and hour, from whence they will also proceed to Plattsburgh and be reported as aforesaid by the captain. Captain Emigh will receive, at the place of rendezvous, the necessary camp equipage and advances to defray the expenses of transportation and foraging from —

Captain Brown's company of Artillery of Pittstown, Rensselaer; Captain Drake's Company of Artillery, of Waterford, Saratoga County; Captain Mott's Company of Artillery of Stillwater, Saratoga County, and Captain King's Company of Artillery of Lansingburgh, Rensselaer County, under and pursuant to the authority and act aforesaid, will also assemble on Friday next at Waterford at ten o'clock, in the forenoon, from whence they will proceed, under the command of the senior officer present, to Sackett's Harbor, in the County of Jefferson, and receive and obey the orders of the commanding officer at that station.

Captain Lemen Foot's Company of Artillery of Milton, Saratoga County, will assemble on the day and hour above mentioned, and as part of the artillery detachment destined for Sackett's Harbor, at such place as Captain Foot may in company orders, designate, and will join the said detachment at such point of their march as may be directed by the Quartermaster thereof. Lieutenant Fowler of Waterford, will officiate as such Quartermaster and will attend at Headquarters in Albany, on Thursday next, at ten o'clock in the forenoon to receive camp equipage and the means of transporting said detachment.

All the Artillery, Infantry, Cavalry and Riflemen embraced in this order, are to appear completely equipped, with the uniform

and arms of their respective corps, and with ordinary or fatigue clothing, a knapsack, blanket and canteen.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

MORE ORGANIZATIONS OF EXEMPTS FORMED AND OFFICERS ASSIGNED
TO COMMAND.

G. O.: Headquarters, Albany, Sept. 16, 1812.

Upon a representation of John Free and others, exempts from military duty, of the town of Aurelius, in the County of Cayuga, the Commander in Chief is pleased to organize the said John Free and his associates into a company of Infantry, pursuant to the 35th section of the militia law of this State, to be called "The Aurelius Silver Greys," and hereby appoints, brevets, and assigns one captain, two Lieutenants, and one Ensign for said company, vizt: Zenas Huggins for Captain, Ezra Goodale, first Lieutenant, Gilbert Goodrich for second Lieutenant, and Daniel Hurlburt for Ensign, and directs that the said persons be obeyed and respected accordingly, by the members of the said company, in the several offices aforesaid.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, Sept. 17th, 1812.

The Commander in Chief hereby organizes a company of Riflemen in Col. Tuttle's Regiment (One hundred and Sixteenth) of Infantry to be called "The volunteer rangers," and assigns and brevets Myron Beach, Captain, Nathaniel Smith, Lieutenant, and

James J. Cameron, Ensign, of said company, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

William S. Wilkin, Aid-de-Camp, P. T.

The uniform of the above company will be blue round about, or sailor coat, without facings, but with yellow buttons, and laced button holes; blue pantaloons, with yellow cord edging, boots or black gaiters and a helmet.

H. O.: Headquarters, Albany, Sept. 18th, 1812.

Whereas a number of inhabitants in the County of Franklin, exempt from military duty, have associated themselves together as a Company and have signed a roll pledging themselves for service in case of invasion, or other emergency, according to the 5th section of the militia law; the Commander in Chief accepts the services of said company and hereby organizes the same, and appoints, brevets and assigns Joel Amsden to be captain, Gabriel Cornish and Enos Wood to be Lieutenants, and Aaron Parks to be Ensign of said company, who are to be recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

H. O.: Headquarters, Albany, 19 Sept., 1812.

The Lieutenant and Ensign of Captain Magher's Company of Light Infantry, at Cherry Valley, in Otsego County, (having resigned) the Commander hereby assigns and brevets David Woodburn to be Lieutenant and William Allen, Jun'r to be the Ensign of said Company to be obeyed and respected accordingly, until

the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

G. O.: Headquarters, Albany, Sept. 21, 1812.

It having been represented to the Commander in Chief that Silas Wood, of the first battalion of the first regiment of Artillery, declines accepting his commission of second Lieutenant in the said regiment, the Commander in Chief therefore, on recommendation of Lieutenant Col. Teller, Commandant thereof, hereby brevets Hezekiah R. Hoyt as second Lieutenant; he is to be obeyed and respected accordingly, until the pleasure of the Honorable the Council be made known.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, Sept. 21, 1812.

Upon the representation of Ephraim Boynton, and others, exempts from military duty of the town of Jay, in the County of Essex, the Commander in Chief is pleased to organize the said Ephraim Boynton and his associates into a company of Infantry, pursuant to the 35th section of the militia Law of this State, and hereby appoints, brevets and assigns one captain, two Lieutenants and one Ensign for said company, vizt: Jethro Bonney for Captain; Joseph Palmer for first Lieutenant; Samuel Whitney for second Lieutenant, and Silas Stiles for Ensign; and directs that the said person be obeyed and respected accordingly, by the members of the said company, in the several offices aforesaid.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, Sept. 22, 1812.

Abner Adams and others, exempts from militia duty, in the town of Hartwick, in the County of Otsego, having associated themselves together and offered their services, according to the provisions of the 35th section of the militia law of this State, and having subscribed a roll to the number of forty-five and upwards, pledging themselves to bear arms and take the field in case of emergency, and whenever their Country or its rights may be invaded or likely to be; and it appearing to the Commander in Chief that the acceptance of such patriotic and generous offers, and the organization of such associations will tend to the public safety and general good, does hereby organize the before-mentioned association into a company of Infantry, and appoints, brevets and assigns Abner Adams Junior, for Captain; Stukeley Elsworth for Lieutenant; and Asahel Whipple for Ensign, who are to be severally recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, Sept. 22, 1812.

A number of exempts from military duty at and near Sagg Harbour, in the County of Suffolk, having associated themselves together, pursuant to the 35th section of the militia law of this State, and offered their services for the defence and protection of Sagg Harbour, against invasion, the said association is hereby organized into a company of Artillery, and the following persons are brevetted and assigned as officers of said company, vizt: John Jermain, Captain and Elisha Prior, Cornelius Sleight, and Thomas Beebee, Lieutenants, who are to be obeyed and respected accordingly. The said company will be liable to

be called into service by Brigadier General Rose, in case of invasion of any part of the Port of Sagg Harbour, and will be subject to his orders and directions whilst in service.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

G. O.:

Headquarters, Sept. 25, 1812.

The board of officers appointed to settle the relative rank of Major Gilbert Ketchum and Captain Tyler Dibblee, having determined that at the time of the appointment of Major Ketchum to the office of Major of the now fourth Regiment of Artillery, the said Tyler Dibblee was a senior captain of said regiment, and the said report being very accurate in point of form, and perfectly satisfactory to and approved of by the Commander in Chief, he dissolves the said board, with his thanks for the prompt and able discharge of the duties imposed upon them.

The Commander in Chief is further pleased to brevet and assign the said Tyler Dibblee, a major in the said regiment, with rank from and including the day preceding the date of the Commission of the said Gilbert Ketchum, as Major. The actual command as second Major of said regiment will continue to be exercised by Major Ketchum, until further orders, and in the meantime Major Tyler Dibblee will be regarded as a supernumerary Major of superior rank to Major Ketchum.

By order of the Commander in Chief:

J. W. Livingston, Lt. Col. and Aid-de-Camp.

G. O.:

Headquarters, Sept. 25, 1812.

A number of persons in and near Charleston in Montgomery County being desirous of forming a company of Horse Artillery and of tendering their services to their country, the Commander

in Chief is therefore pleased to organize the said company, and hereby brevets and assigns Isaiah Shaw, Captain; John U. Smith, First Lieutenant; Edward Wolverton, Second Lieutenant, and Elijah Wilcox, Cornet of said company, who are to be obeyed and respected accordingly until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

John W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Albany, 22d Sept., 1812.

The Commander in Chief is pleased hereby to brevet John W. Oddie as Ensign in the first Regiment of Riflemen, until the Council of Appointment shall have manifested its intention in relation thereto.

By order of the Commander in Chief:

Wm. Paulding, Jun., Adjutant General.

G. O.: Headquarters, Albany, 28th Sept., 1812.

A number of persons of the County of Albany, having associated themselves and offered their services to the United States, under and pursuant to the acts of Congress, entitled, "An Act authorizing the President of the United States to accept and organize certain volunteer military corps", and "An Act supplementary to the Act entitled An Act authorizing the President of the United States to accept and organize certain volunteer military corps"; His Excellency the Commander in Chief is hereby pleased to organize the said persons as a Rifle Corps, and to assign and brevet Lyman Sanford as Captain, Abraham Burd as Lieutenant, and John G. Clute as Ensign of the same.

And his Excellency directs that the persons so assigned and brevetted be obeyed and respected accordingly.

By order of the Commander in Chief:

R. Macomb, Lt. Col. and Aid-de-Camp.

G. O.: Headquarters, Albany, Sept. 28th, 1812.

The Commander in Chief hereby organizes a company of Artillery, in the sixth Regiment of Artillery, to be called "The Volunteer Rangers", and he hereby assigns and brevets Myron Beach Captain, Nathaniel Smith, First Lieutenant, and James J. Cameron, Second Lieutenant of said Company, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be made known in the premises.

The uniform of the said company will be a blue roundabout or sailor's jacket, without facings, having yellow buttons and laced button holes; blue pantaloons with yellow cord edging, and boots or black gaiters and a helmet.

By order of the Commander in Chief:

R. Macomb, Aid-de-Camp and Lt. Col.

CAPTAIN MAHAR'S RIFLE COMPANY ORDERED TO ONONDAGA.

G. O.: Headquarters, Albany, 29th Sept., 1812.

Captain Mahar's volunteer company of Riflemen, of Albany, and Captain Marshall's volunteer rifle company of New Baltimore, will immediately rendezvous and march with Col. McClure's New York Detachment and as part thereof, to Onondaga, or as soon after them as possible. Quartermaster Quackenbos will attend to the supplies of Tents and camp Equipage, and Commissary Vernor will deliver to him from the Arsenal, such articles as may be required for the said Troops. The two companies above mentioned will assemble on Saturday next, at such place as the respective Captains shall appoint, and proceed with as much expedition as possible. Lt. Col. McClure will com-

mand the whole, and will see that they are assembled, and marched as soon as possible.

By order of the Commander in Chief:

R. Maccomb, Lt. Col. and Aid.

ASSIGNMENTS AND NEW ORGANIZATIONS.

G. O.: Headquarters, Albany, 1st October, 1812.

In consequence of the absence of Lieut. Barnewell of Captain Price's Company, and Lieut. Col. Mapes detached Regiment of Infantry, now in the service of the United States, the Commander in Chief is hereby pleased to brevet and assign Ensign Govenure S. Bibby of the said company as Lieutenant thereof, who is to be obeyed and respected accordingly, until further General Orders.

By order of the Commander in Chief:

Wm. Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, Albany, 1st Oct., 1812.

The Commander in Chief does hereby brevet Charles Lowton as Captain, William Swaim as First Lieutenant, James C. Townsend and John D. Brown as Second Lieutenants in the Third Regiment of Artillery, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjt. General.

G. O.: Headquarters, Albany, October 1st, 1812.

The Commander in Chief, pursuant to the 35th section of the act entitled, "An Act to organize the Militia of this State," passed the 29th day of March, 1809, does hereby organize a company of Infantry in the town of Constable, County of Franklin, to be called

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“The Franklin Volunteer Exempts”; and his Excellency is pleased hereby to brevet and assign David Erwin as Captain, William Perry as Lieutenant, and John Hungdon as Ensign of the said company.

By order of the Commander in Chief:

Wm. Paulding, Jr., Adj. General.

G. O.: Headquarters, Albany, 1st Oct., 1812.

Lieutenant Col. Martin Heermance, Commandant of the Fifth Regiment of Infantry, detached for the service of the United States, having represented that David Ostrom, a Captain assigned to the said Regiment had resigned, and that Horatio Armstrong, a Lieutenant assigned to the said Regiment had accepted a commission in the United States Army; the Commander in Chief therefore, hereby assigns Captain Randall S. Street of the Eighty-fourth Regiment of Infantry to supply the place of Captain Ostrom, and Lieutenant Benjamin Van Waggoner of the One hundred and eleventh Regiment of Infantry, to fill the place of Lieutenant Armstrong in the said Fifth Regiment.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

A NEW ALBANY REGIMENT.

G. O.: Headquarters, Utica, Oct. 2d, 1812.

It having been communicated to the Commander in Chief that a large number of patriotic citizens of the County of Albany have associated for the purpose of forming a Regiment of volunteers, under and pursuant to the act of Congress, passed the 6th day of February last, and the act supplementary thereto, and that it would facilitate the formation and organization of the said Regi-

ment, if the Field officers chosen by the said association were brevetted; and the Commander in Chief, highly approving the patriotic proceedings of the said association of volunteers, hereby organizes the same into a Regiment, and brevets and assigns Sebastian Vischer to be Colonel, John Mills to be Lieutenant Colonel, and William Yates to be Major of the said Regiment, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

John W. Livingston, Aid-de-Camp.

THE WORCESTER EXEMPTS.

G. O.:

New York, 6th Oct., 1812.

In conformity to the 35th section of the act entitled, "An Act to organize the militia of this State," passed the 29th day of March, 1809, the Commander in Chief is hereby pleased to organize a company of Infantry, in the town of Worcester, Otsego County, to be denominated "The Worcester Exempts", and brevets and assigns Silas Crippen, Captain; David Gott, Lieutenant, and John Champion, Ensign of the said Company.

By order of the Commander in Chief:

William Paulding, Jun'r, Adj. General.

THE COMMANDER IN CHIEF IN THE FIELD.

G. O.: Headquarters, Sackett's Harbour, 10th October, 1812.

Brigadier General Jacob Brown, having by Brigade Orders of June 29th, 1812, assigned Doctor Amasa Trowbridge to be Surgeon of the militia, and employed him accordingly, during which assignment and employ the said Amasa Trowbridge rendered important services to the militia on duty at Cape Vincent and Sackett's Harbour; the Commander in Chief is therefore, pleased to

confirm the said appointment, and accordingly hereby assigns, brevets, and appoints the said Amasa Trowbridge to be a Surgeon in the militia of this State, and directs that he be recognized, obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises shall be made known.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

AND MAKES A FEW ASSIGNMENTS.

G. O.: Headquarters, Sackett's Harbour, 10th Oct., 1812.

Brigadier General Erastus Root, having on the 2d day of September last, assigned Henry Lowther to be Ensign of a company of detached militia in the Thirteenth Regiment of said militia, commanded by Putnam Farrington Esquire, the said assignment is hereby confirmed, and the said Henry Lowther brevetted and assigned Ensign as aforesaid, with rank as such from the day aforesaid, and is to be obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises be made known.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Sackett's Harbour, 10th Oct'r, 1812.

The Commander in Chief orders and directs that the following brevet promotions be made in the Artillery Battalion now in the service of the United States at this post, consisting of Brown's, Foot's, King's and Drake's companies of militia Artillery, vizt: Andrew Brown, Major Commandant; Gideon Reed, Captain vice

Brown; Caleb Ward, 1st Lieutenant, vice Reed; Adin T. Cory, 2d Lieutenant vice Ward.

They are to be obeyed and respected accordingly.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Sackett's Harbour, 10th October, 1812.

Several persons having entered the service of the United States, in the staff of the Tenth Regiment of detached militia of the State of New York, by the assignment and appointment of John Prior Esquire, Commandant thereof, pursuant to authority contained in General orders, organizing the detached militia of this State; the Commander in Chief hereby confirms the said assignments and appointments, and the said several persons are brevetted and appointed accordingly, to the offices opposite their respective names, and are to be recognized, obeyed and respected therein, according to the said original assignment and appointment, vizt:

Jonathan Kellogg, Quartermaster; Brenzon B. Wiggins, Paymaster; Daniel Hicks, Surgeon, and Edward C. Willard, Surgeon's Mate.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Sackett's Harbour, 12th October, 1812.

The Commander in Chief orders and directs that the following brevet promotions be made in the Twelfth Regiment of detached militia of this State, commanded by Lt. Col. Van Dalfsen and now in the service of the United States, vizt:

Lieut. Isaac Van Dalfsen to be Captain; Ensign Thomas Wayne to be Captain; Ensign John J. Roff to be Lieutenant; Ensign

Henry Van Antwerp to be Lieutenant; Sergt. Major Ch's L. Mulford to be Lieutenant.

They are to be obeyed and respected accordingly.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Sackett's Harbour, Oct., 13th, 1812.

The Commander in Chief is hereby pleased to assign and brevet John Wood Jun'r as first Lieutenant of Capt. King's Company in Major Andrew Brown's detachment of Artillery, in the service of the United States; which detachment is destined from this place for Ogdensburgh in St. Lawrence County. And his Excellency hereby orders that the said John Wood Junior, be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col.

G. O.: Headquarters, Sackett's Harbour, Oct., 17th, 1812.

The Commander in Chief announces to the troops, that the parade of yesterday has afforded him great satisfaction. His Excellency is pleased to assign and brevet the following persons:

In Lt. Co. Rich's Regiment.

In Capt. Lyker's Comp'y vice Loveberry resigned;

In Capt. Cady's comp'y, Ensign David Voorhis to be Lieutenant.

In Lt. Col. Farrington's Regiment.

Capt. Frederick P. Foote to be Major, vice Lawrence discharged;

Homer P. Phelps to be captain, vice Foote, promoted;

David S. Dennis to be Lieut., vice Phelps, do;

Lt. Corn's Van Antwerp is to be captain, vice Springsteed, promoted;

John W. Pearson to be Lieutenant vice Van Antwerp, do;

Alfred Phelps to be Paymaster.

In Lt. Col. Prior's Regiment.

Lt. Samuel R. Dodge to be captain vice Mills, resigned.

Ensign Garrit Vosburgh to be Lieut. vice Dodge, promoted.

And his Excellency orders that the persons so assigned and brevetted be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col.

HE TRANSFERS HEADQUARTERS TO OSWEGO AND COMMENDS THE

APPEARANCE OF THE TROOPS.

G. O.: Headquarters, Oswego, 19th October, 1812.

The Commander in Chief announces to the militia in service at Fort Oswego, his great satisfaction at their appearance and conduct during the review and manoeuvres of this day. Their correct discipline, accurate manoeuvres and orderly and soldierly appearance and conduct is flattering in the highest degree to the officers and soldiers of the station, and merits and receives the warmest approbation of the Commander in Chief; he requests Lt. Col. Fleming to communicate to the officers and soldiers under his command the high estimation in which the Commander in Chief holds their praiseworthy appearance and conduct, and his thanks for their respectful attention to him and his Suite.

The Commander in Chief is further pleased, upon proper recommendations for that purpose to assign and brevet Sergeant Harold White a Lieutenant in the detachment of militia in pub-



WYNKOOP-HALLENBECK-CRAWFORD CO.

QUEENSTON, UPPER CANADA.

ic service at Oswego, and directs that he be recognized, respected and obeyed accordingly.

The Commander in Chief having occasion for the services of Lt. Col. Fleming at another station, relieves him from the command of the militia of this post and assigns Lieut. Col. Erastus Cleveland to the said command, and he further brevets and assigns Abijah Yelverton Junior to be a Lieutenant in the militia of this State, and Paymaster of the detachment at Oswego.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

THREE DAYS LATER HE IS AT LIMA, (THEN IN ONTARIO COUNTY).

G. O.: Headquarters, Lima, Oct. 22d, 1812.

The Commander in Chief is hereby pleased to assign and brevet Thomas Dawson as First Lieut., Thomas Doyle as Second Lieut., and Andrew Fagan as Ensign in Captain Maher's rifle company in the detachment now commanded by Lt. Col. McClure,

And his Excellency directs that the persons so assigned and brevetted be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col. ¹

HE ESTABLISHES HEADQUARTERS AT BUFFALO NEARLY TWO WEEKS
AFTER THE BATTLE AT QUEENSTON.

G. O.: Headquarters, Buffalo, Oct 26, 1812.

Lieut. Col. McClure will, upon his arrival at the Headquarters in Buffaloe, report himself and the detachment under his command to General Alexander Smyth, Commandant of the forces on the Niagara frontier.

The said detachment is hereby placed under the command of General Smyth, and the officers and soldiers thereof are strictly enjoined to pay assiduous attention to discipline and subordination, and so to conduct themselves in every respect as to maintain the high reputation for patriotism and soldierly conduct, for which they have heretofore been distinguished.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

AND INDORSES A FEW ASSIGNMENTS OF OFFICERS.

G. O. Headquarters, Buffaloe, Oct. 27th, 1812.

Lieut. Col. Stranahan, Commandant of the Tenth Regiment of Infantry, of the State of New York, having, on the seventh day of September last assigned and brevetted John Stafford, Adjutant, Jeddediah Peck, Paymaster, Eben Coles, Chaplain, Samuel Hadly, Surgeon, and Charles W. Hull, Surgeon's Mate, of said Regiment, pursuant to authority for that purpose contained in General Orders of the 18th day of June last; the Commander in Chief is hereby pleased to confirm said assignments and brevets; and does hereby brevet Ezra Graves, Captain, and Avery Powers, Ensign, in the Forty-eighth Regiment of Infantry.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

TWO WEEKS LATER HE RE-ESTABLISHES HEADQUARTERS AT THE
CAPITAL.

G. O.: Headquarters, Albany, Nov. 10th, 1812.

A number of persons in the County of Washington, exempt from militia duty, having associated themselves together and formed two companies, and having complied in other respects

with the provisions of the 35th section of the militia law of this State: the Commander in Chief is hereby pleased to organize the said companies; to one of which he assigns and brevets Kitchel Bishop, Captain; Herman Hoffman Lieutenant; and James L. Schurman Ensign; and to the other, being very large, he assigns and brevets four officers, vizt: Isaac Harlow, Captain; Squire Bartholomew, first Lieutenant; Gideon Taft, second Lieutenant; and Samuel Hatch, Ensign; all of which officers are to be obeyed and respected accordingly. The said Companies will be subject to the orders of the Commander in Chief for the defence of the Champlain frontier, and will hold themselves in readiness accordingly.

By order of the Commander in Chief:

J. F. Bacon, Aid-de Camp, P. T.

A COUPLE OF BREVETS.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Truman Hurd is hereby brevetted as captain, and Lucas Goes as Lieutenant in the ninth Regiment of the third detached Brigade of militia of this State, and they are to be obeyed and respected accordingly.

By order of the Commander in Chief:

J. F. Bacon, Aid-de-Camp, P. T.

A BATCH OF NEW EXEMPT ORGANIZATIONS.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Whereas a number of persons, inhabitants of the town of Scipio, in the County of Cayuga, exempt from militia duty, have associated themselves together, and formed a company, pursuant to the 35th section of the militia Law of this State;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said law, does hereby organize the said association as a company of Infantry, and assigns and brevets one captain, two Lieutenants, and one Ensign for said company, vizt: Jonathan Richmond for Captain, Elisha Durkee for First Lieutenant, Nathan Webster for second Lieutenant, and Worden Babcock for Ensign, and directs that they be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Whereas a number of persons, inhabitants of the towns of Warren and Columbia, being exempt from militia duty, have associated themselves together, pursuant to the 35th section of the act of the Legislature of the State of New York, organizing the militia thereof;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Infantry to be called, "The Veteran Company of Warren and Columbia", and brevets and assigns Asbel Freeman as Captain, Dyer Greene, as Lieutenant, and Mason Tilden as Ensign, of the said Company, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Whereas a number of persons, inhabitants of the town of Dryden, in the County of Cayuga, exempt from military duty, have associated themselves together as a company, according to the

35th section of the militia law; the Commander in Chief accepts the services of said company, and hereby organizes the same and appoints, brevets, and assigns Parley Whitmore to be Captain, Benjamin Clark to be Lieutenant, and Joel Hull to be Ensign, of said company, who are to be recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Whereas a number of persons, inhabitants of the town of Marcellus, in the County of Onondaga, being exempt from militia duty, have associated themselves together and formed a company, pursuant to the 35th section of the Act of the Legislature of the State of New York, organizing the militia thereof;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Infantry, and brevets and assigns Timothy Copp, to be the Captain; Levi Appleby to be the Lieutenant, and David Willard to be the Ensign of the said Company, who are severally to be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Whereas a number of the inhabitants of the town of Middletown, in the County of Delaware, exempt from military duty, have associated themselves together and formed a company, pursuant to the 35th section of the militia law of the State;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said law, does hereby organize the

said association as a company, and brevets and assigns Jehu Barr to Captain, Thomas Crosby to be Lieutenant, and Samuel Reed to be Ensign of said Company, who are to be severally obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 11th, 1812.

Josiah L. Patterson and others, exempts from militia duty, in the town of Lysle, in the County of Broome, having associated themselves together, and offered their services according to the provisions of the 35th section of the militia Law of this State; and it appearing to the Commander in Chief that the organization of such associations will tend to the public safety and general good, does hereby organize the said association into a company, and hereby appoints, brevets and assigns Caleb Hyde for Captain, Samuel Coe for First Lieutenant, and James Stoddard for Second Lieutenant, who are to be severally recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 13th, 1812.

Whereas a number of persons, inhabitants of the town of Camillus, in the County of Onondaga, being exempted from militia duty, have associated themselves together, pursuant to the 35th Section of the Act organizing the militia of this State;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Infantry, and brevets and assigns Squire Manro as Captain, Moses Rogers as First Lieuten-

ant, Isaac Lindsay as Second Lieutenant, and Nichobod Lamber-son as Ensign of said Company, who are to be obeyed and re-spected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp. 25

G. O.: Headquarters, Albany, Nov. 13th, 1812.

Whereas Nathan Gray and others, inhabitants of the town of Avon in the County of Ontario, exempts from militia duty, have associated themselves together, pursuant to the 35th section of the Act of the Legislature of the State of New York, organizing the militia thereof;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Artillery, and brevets and assigns Champion Ackley as Captain, Samuel H. Helmes as first Lieutenant, and Elijah Gray as second Lieutenant, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Nov. 13th, 1812.

Whereas John J. Gee, and others, inhabitants of the town of Virgil, in the County of Cayuga, being exempted from militia duty, have associated themselves together, pursuant to the 35th section of the act organizing the militia of the State;

Now, therefore, the Commander in Chief, in pursuance of the authority vested in him by the said act, does hereby organize the said association as a company of Infantry, and brevets and assigns Simeon West as Captain, John S. Squires as Lieutenant

and William Powers as Ensign of said Company, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

MORE PROMOTIONS.

G. O.: Headquarters, Albany, Nov. 13th, 1812.

Pursuant to recommendations for that purpose from the Commandants of the Regiments hereinafter mentioned, the Commander in Chief is pleased to brevet and assign the persons hereinafter mentioned to the offices opposite their respective names, in the several Corps specified below, vizt:

In the One hundred and eleventh Regiment of Infantry, whereof Martin Heermance Esquire is Lt. Col. Commandant; Charles P. Adriance Capt., vice J. C. Tillotson, resigned; Peter Ring, Lieutenant, vice H. G. Armstrong, do; Benjamin Schultz Ensign, vice H. B. Armstrong, do.

In the One hundred and sixth Regiment of Infantry, whereof Jacob Delamontagnie Esquire is Lt. Col. Commandant: John Carpenter, Surgeon's Mate.

In the Regiment of Light Infantry, whereof Jeremiah Johnson Esquire is Lt. Col. Commandant, in the eighth detached Brigade of militia: John Ireland, Chaplain; Benjamin Hews, Surgeon.

Which said several persons are to be obeyed and respected in the several offices and corps above mentioned, until the pleasure of the Council of Appointment in the premises may be expressed.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

A NEW COMPANY OF VOLUNTEERS.

G. O.: Headquarters, Albany, Nov. 13th, 1812.

A number of persons having associated themselves together and subscribed a Roll as volunteers, under the act of Congress passed the 6th day of February last, and having selected the officers hereinafter named; the Commander in Chief accepts the services of said associates, and organizes them into a company, and assigns and brevets Richard C. Skinner as Captain, John Furman, first Lieutenant, John Vandenberg Junior, second Lieutenant, and John T. Wendell, Ensign, of said Company, and directs that they be recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

Wm. S. Wilkin, Aid-de-Camp, P. T.

GEN. PETER VAN ZANDT RESIGNS.

G. O.: Headquarters, New York, 17th Nov., 1812.

Brigadier General Peter Van Zandt, Commandant of the Third Brigade of Infantry, having signified his desire to resign his commission, and the Commander in Chief having seen, in the reasons urged by the General in support of his request, sufficient cause for acceding to it, has accordingly accepted of his resignation.

The command of that Brigade has, therefore, devolved upon Lieutenant-Colonel Robert Bogardus, the senior in commission of the Lieutenant Colonels thereof, who is hereby directed, forthwith, to enter upon the duties of Brigadier General of the same.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

ANOTHER VOLUNTEER CORPS.

G. O.: Headquarters, New York, 17th Nov., 1812.

A number of persons having associated as volunteer corps, and having respectively subscribed a Roll, under the Act of Congress, passed the 6th day of February last, and selected the persons hereinafter named for officers of the same; the Commander in Chief, hereby accepts of the services of the said Corps, and organizes them into three several companies, and brevets and assigns thereto, the persons nominated for that purpose in the manner following:

To the first Company of Infantry: Lyman Stanford, Captain; Abraham Burd, Lieutenant; John G. Clute, Ensign.

To the second Company of Infantry: William McCarty, Captain; Jacob Van Wart, 1st Lieut.; William Perry, 2d Lieut.

To the first Company of Artillery: Thomas Machin, Ju'r, Captain; Benjamin Whitney, 1st Lieut.; John Z. D. Vedelen, 2d Lieut.; William Osterman, Ensign.

These persons are to be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

ASSIGNMENTS.

G. O.: Headquarters, New York, 19th November, 1812.

The Commander in Chief hereby brevets David Landon, Captain, Valentine Merrill, first Lieutenant, and Albert Goldsmith, second Lieutenant, in the Third Regiment of Artillery, until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 19th Nov'r, 1812.

The Commander in Chief, pursuant to the authority vested in him by the 35th section of the militia law of 1809, hereby brevets and assigns Gilbert Horton, Captain, Jonathan Horton, Lieutenant, and Benjamin Hallock, Ensign, of a Company of Infantry Exempts, hereby organized in the town of Southhold, in the County of Suffolk, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 19th Nov., 1812.

Upon the recommendation of the respective Commandants of the Eighty-second, Eighty-fifth, and One hundred and twenty-fifth Regiments of Infantry, the Commander in Chief is pleased to assign and brevet William P. Turnbull an Ensign in the Eighty-fifth, Henry Phelps an Ensign in the One hundred and twenty-fifth, and John E. Gale an Ensign in the Eighty-second Regiment of Infantry, and to direct that they be severally recognized, respected and obeyed accordingly, until the pleasure of the Council of Appointment be made known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, Nov. 20th, 1812.

The Commander in Chief is pleased to assign and brevet Daniel Sackett, William Mooers, and Henry McVickar, as Ensigns in Eighty-fifth Regiment, Tenth Brigade of Infantry, of which Regiment Edward W. Laight Esquire is Lieut. Col. Commandant.

And his Excellency orders that the persons hereby assigned and brevetted, be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 20th Nov., 1812.

The Commander in Chief is pleased to assign and brevet George K. McKay as Captain in a volunteer company to be raised under the act of Congress, entitled "An Act authorizing the President of the United States to accept and organize certain volunteer military corps." And his Excellency orders that the said George K. McKay be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 20th Nov., 1812.

Stephen Thorne, having been elected, assigned and brevetted, on the 15th day of September last, as a second Lieutenant in the Regiment of Artillery commanded by Lieutenant Col. Andrew Sitcher, and he having officiated as such since that day; the Commander in Chief is pleased to confirm and announce the assignment and brevet of the said Stephen Thorne, and to direct that he be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Junior, Adjutant General.

G. O.: Headquarters, New York, 21st Nov., 1812.

The Commander in Chief does hereby brevet, in the Eleventh Regiment of Artillery, the following persons to the several offices hereinafter named:

Henry Morgan, First Major; John Fleming, Second Major.

George Talcott, Peter H. Schenck, William W. Laight, Barent Andariese, Edward Rockwell, Captains.

Francis Allyn, Joseph Houston, First Lieutenants.

Charles Guion, Second Lieut.; Peter C. Tappan, Surgeon's Mate.

These officers are to be employed and respected accordingly, until the pleasure of the Council of Appointment shall be known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 21st Nov., 1812.

The Commander in Chief is pleased to assign and brevet Daniel Remsen as first Lieutenant in Capt. Varick's company; James Shaw as first Lieutenant in Captain Butler's company; John Woodward as first Lieutenant in Captain Bloodgood's Company; and Lemuel L. Skidmore as second Lieutenant in Captain Horn's company; the above companies belong to the second Regiment of Artillery.

And his Excellency orders that the persons hereby brevetted and assigned, be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col.

G. O.: Headquarters, New York, 21st Nov., 1812.

The Commander in Chief is hereby pleased to brevet William C. Rhineland, second Lieutenant in Captain Brown's Company of the second Regiment of Artillery.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 24th Nov., 1812.

The Commander in Chief hereby brevets David Miller Junior as Cornet in Captain Wilson's Company of Horse Artillery, in Lt. Col. Sitcher's Regiment.

And whereas Walter Nichols, a private in the said company, having been drafted and detached for the service of the United

States is hereby excused and discharged from that detachment, and will, therefore, hold himself in readiness to march with such company, whenever its services may be required.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 25th Nov., 1812.

The Commander in Chief is pleased to assign and brevet Isaac Little, of the City of New York, as Captain of a company of volunteer Artillery, to be raised for the defence of the City and Harbour of New York. And his Excellency orders that the said Isaac Little be obeyed and respected accordingly.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col.

G. O.: Headquarters, New York, 28th Nov., 1812.

The Commander in Chief hereby brevets, to take rank from the 28th day of June last in the first Regiment of Riflemen, Benjamin Timpson Captain, Charles Doane Lieutenant, and Enoch Walters Ensign, until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 28th Nov., 1812.

At the request of Col. Paulding, the Commander in Chief is pleased hereby to brevet Casper W. Eddy, Surgeon, and Colden Cooper, and John J. Mitchell, Ensigns, in the Ninety-seventh Regiment of Infantry, until the Council of Appointment shall have signified its pleasure in relation thereto. Those officers are to be obeyed and respected accordingly.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 28th Nov., 1812.

Walter Robinson is hereby brevetted an Ensign in the One hundred and twenty-fifth Regiment of Infantry, until the pleasure of the Council of Appointment be known in the premises.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

G. O.: Headquarters, New York, 28th Nov., 1812.

At the request of the Commandant of the Ninth Regiment of Artillery, Gerardus A. Cooper is hereby brevetted Surgeon's Mate therein, until the pleasure of the Council of Appointment in the premises be signified.

By order of the Commander in Chief:

William Paulding, Junior, Adjutant General.

G. O.: Headquarters, Albany, Dec'r 1st, 1812.

Whereas a number of persons, inhabitants of the town of Fabius, in the County of Onondaga, being exempted from militia duty, have associated themselves together, pursuant to the 35th section of the act organizing the militia of this State, the Commander in Chief is hereby pleased to organize the said association as a company of Infantry, and brevets and assigns Nathaniel Bacon as Captain, Elisha Fox as Lieutenant, and Jeremiah Smith as Ensign, of said company, who are to be obeyed and respected accordingly.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

G. O.: Headquarters, Albany, Dec'r 1st, 1812.

The Commander in Chief is hereby pleased to assign and brevet Joseph Stratton as Captain, Jeriel Root as first Lieutenant, and James Lamoree as second Lieut., in a volunteer company of Rifle-

men to be raised under the Act of Congress entitled "An Act authorizing the President of the United States to accept and organize certain volunteer military corps." And his Excellency orders that the said officers be obeyed and respected accordingly.

By order of the Commander in Chief:

J. W. Livingston, Aid-de-Camp.

COL. SWARTWOUT'S TROOPS HAVING PERFORMED THEIR DUTY ARE
DISCHARGED WITH EXPRESSIONS OF COMMENDATION FROM THE
COMMANDER IN CHIEF.

G. O.: Headquarters, New York, Nov. 28, 1812.

The uniform troops lately commanded by Lieutenant Col. Robert Swartwout, having faithfully performed their tour of duty on the Southern frontier of this State, have been discharged with the flattering encomiums of the Commanding General and have returned into the body of the militia. In justice to the officers and soldiers of that meritorious corps and to his own feelings, the Commander in Chief announces his entire approbation of their patriotic conduct, and services, and his sincere thanks for their prompt and unanimous compliance with the first call of their country. That promptitude and unanimity, and their correct, orderly and soldierly deportment, and their assiduous attention to and extensive improvement in Military science, and in all the accomplishments and duties of the patriot soldier, have distinguished them as generous and public spirited defenders of the nation, and entitle them to public applause and gratitude.

By order of the Commander in Chief:

William Paulding, Jun'r, Adjutant General.

COUNTY OF RENSSELAER ORGANIZES A NEW RIFLE COMPANY.

G. O.: Headquarters, Albany, Decr. 4th, 1812.

Upon the petition of forty-two persons residing in the County of Rensselaer, praying to be organized into an uniform Rifle Company, and with the approbation and recommendation of the Commandant of the Battalion of Riflemen in said County, the Commander in Chief has concluded to organize the said company, and brevets and assigns Reuben Babcock, Junior, to be the Captain, Ellis Foster to be the Lieutenant and Henry Frasey to be the Ensign thereof, which said persons are to be recognized, obeyed and respected accordingly, until the pleasure of the Council of Appointment in the premises may be expressed.

The uniform of the said company will be the same as that of the company lately commanded by Henry Coon in said County.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

MAJOR RAPALJE ASPIRES TO BE A BRIGADIER.

G. O.: Headquarters, Albany, Decr. 5, 1812.

Whereas Major Richard Rapalje, Inspector of the Thirtieth Brigade of Infantry, claims the right of being promoted to the office of Brigadier General of said Brigade, in preference to James Townsend Esquire, who has been appointed thereto, and the Commander in Chief, being desirous that right and justice should take place in the premises, has thought proper to institute a board of officers to investigate the relative rank and right to promotion of the said James Townsend and Richard Rapalje, and to report the facts touching the same with their opinion thereon. The said Board will consist of Brigadier General James W. Wilkin of the Artillery, as President, Lt. Col. George D. Wickham of the

Cavalry, Lt. Col. James Tallmadge Junior of the Infantry, Lt. Col. Isaac Belknap Junior of the Infantry, Lt. Col. Nathan Myers of the Artillery, Capt. Randall S. Street of the Infantry, and Adjutant Thomas J. Oakley of the Artillery. The Board will meet at Oakley's tavern in the town of Fishkill, on the twenty-second day of December instant, to hear and consider the allegations and proofs of the parties. Major Rapalje is charged with the duty of causing a copy of this General Order to be served on Brigadier General James Townsend, on or before the fifteenth day of December instant, and with causing seasonable notice thereof also to be given to the members of the said board.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

PROMOTIONS.

G. O.: Headquarters, Albany, Decr. 14, 1812.

Dr. Samuel Field Junior, the late Surgeon's Mate of the detached Regiment of Artillery of the State of New York, having performed the duties of Surgeon's Mate until the absence of the Surgeon of said Regiment, and having since officiated satisfactorily and been mustered as Surgeon thereof, the Commander in Chief is pleased accordingly to brevet and assign the said Samuel Field Junior as Surgeon of said detached Regiment of artillery, and directs that he be recognized, obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Decr. 15, 1812.

The Commander in Chief, being informed that a company of Infantry can be raised by the following officers, to be attached to

By order of the Commander in Chief:

CAPTAIN KELLOGG'S SCHOHARIE ARTILLERY COMPANY MUSTERED INTO
SERVICE.

They will rendezvous and be mustered on Saturday, the twenty-sixth day of December instant at such place and hour as the Captain shall appoint, at which time they will be supplied with blankets and Canteens. The whole will receive two months' pay in advance and the non commissioned Officers, Musicians and

Privates will receive in addition, thereto, an advance of Sixteen dollars on account of allowance for clothing. The whole allowance to which they will be entitled on account of clothing (including the said sixteen dollars), will be as follows:

Corporals and privates each.....	\$34 41
Musicians	36 44
Sergeants	37 85

The company will march on Monday the 28th December Instant at Nine O'Clock in the morning, when the means of transportation will be prepared for them.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

GENERAL DEARBORN MAKES A REQUEST FOR THE SERVICES OF WILLIAM L. MARCY AND OTHER NEW YORK OFFICERS.

G. O.: Headquarters, January 12, 1813.

Majors Guilford D. Young and Asahel Clark; Captains Ira Gale, Oliver Lyon and John Moss Junior, and Lieutenants Lucas Goes, William L. Marcy, and Henry Spencer of the militia, upon the request of General Dearborn for that purpose, are hereby ordered to continue, if they have not been discharged, and to re-enter the service of the United States, if they or any of them have been temporarily furloughed or discharged therefrom, and to remain therein until duly discharged. During which time they will be under the command and subject to the orders of Major General Dearborn, Commander of the Northern Army of the United States or of such other proper officers as he may direct.

By order of the Commander in Chief of the State of New York:

John F. Bacon, Aid-de-Camp, P. T.

THE RANK QUESTION STILL AGITATED.

G. O.: Headquarters, Albany, Jany. 21st, 1812.

Upon the request of Lieut. Colonel Jacob Snell, Commandant of the Nineteenth Regiment of Infantry, a Board of Officers is hereby organized to settle rank between Joseph G. Klock and Jacob Fox of said Regiment, and between such other Officers as shall be notified and submit contested claims of rank to the said board. The board will report the facts in each case with their opinion thereon to the Commander in Chief as soon as possible. Capt'n Archibald McIntyre will be president of the said board, and Captain Robert Krous and Adjutant Peter Sternbergh members. The President will cause at least five days previous notice of the time and place of meeting of the said board to be given to the aforesaid parties.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

MORE VOLUNTEER COMPANIES.

G. O.: Headquarters, Albany, Jany. 29th, 1813.

It being represented that Asa Ellis is disposed to raise a company of Infantry Volunteers under the act of Congress passed 6th day of February, 1812, and will if brevetted as Captain thereof be able to organize said company, the Commander in Chief with a view to encourage such patriotic endeavours hereby assigns and brevets the said Asa Ellis to be Captain of a Company of Volunteers to be raised as aforesaid. The Subaltern Officers will be those whom the persons volunteering shall select and enlist under.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Jany. 30th, 1813.

It having been represented that a company of Volunteers of Infantry for one year under and pursuant to the act of Congress passed 6th February, 1812, can be raised under the following officers, the Commander in Chief is pleased hereby to assign and brevet the said Officers, to wit: Elias Benjamin Junior of German, Chenango County, to be Captain; Samuel Finch of the same place, First Lieutenant; John Fish of Cincinnatus, Cortlandt County, Second Lieutenant; and Henry Weaver of Pharsalia, Chenango County, Ensign of a Company of Volunteers as aforesaid. So soon as the said Company shall consist of Fifty men and upwards, the Commandant thereof will cause notice to be given to the Commanding General of the Northern Department of the United States Army, who will direct the said company to be mustered and clothing or the allowance in money in lieu thereof to be immediately advanced to them.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, February 4th, 1813.

It having been represented that a company of Volunteers of Infantry for one year under and pursuant to the act of Congress passed 6th February, 1812, can be raised under the following Officers, the Commander in Chief is pleased hereby to assign and brevet the said officers, to wit: Jonathan Kellogg of Saratoga County, Captain; and Milton Bowers of the same place Lieutenant, of a Company of Volunteers as aforesaid. So soon as the said Company shall consist of Fifty men and upwards the Commandant thereof will cause notice to be given to the Commanding General of the Northern Department of the United States Army, who will direct the said Company to be mustered and clothing or the

allowance in money in lieu thereof, to be immediately advanced to them.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ANOTHER REQUISITION FOR TROOPS FOR SACKETT'S HARBOR.

Albany, Feby. 6, 1813.

Sir: I received a requisition from Major General Dearborn, to call you and three or four companies of volunteers into the service of the United States at Sackett's Harbour. The volunteers must consist of at least fifty men in each company and sign a Roll for sixty days at least, under such officers as they may choose and select, and upon producing such Roll to you, you are authorized to assign the said officers to the said company and brevet them as such, and order the said officers and company into service at Sackett's Harbour, and take command of them. They will be allowed two days to go and two to return in addition to the time they may actually serve at the harbour. They will rendezvous on or before Monday the 22d day of February instant, at such places as you may appoint, and you will then proceed with them forthwith to Sackett's Harbour, and report yourself to the commanding officer of that station and obey his orders and directions. Both yourself and the Captains and Subalterns will receive the same pay as officers of the army of the same grade, and the non commissioned officers, musicians and privates of the corps will be entitled to the pay and rations allowed by law to the militia, according to the annexed act of Congress.

I am, Sir, respectfully,

Your ob't. s'v't.,

Daniel D. Tompkins.

Lt. Col. Rich'd Coxe.

FOX RANKS KLOCK.

G. O.: Headquarters, Albany, 22d Feby., 1813.

The Board of officers established by General Orders of the 20th day of January, 1813, having performed the duty imposed upon them by those orders, and having reported the facts and their opinion that Jabez Fox was entitled to and ought to have been promoted and commissioned as Captain of a Company in the Nineteenth Regiment of Infantry, to which Joseph G. Klock has been appointed, the Commander in Chief approves of the said Report and opinion and Confirms the same, and hereby dissolves the said board of officers with his thanks, for their prompt, intelligent and faithful attention to the matters referred to them.

By order of the Commander in Chief:

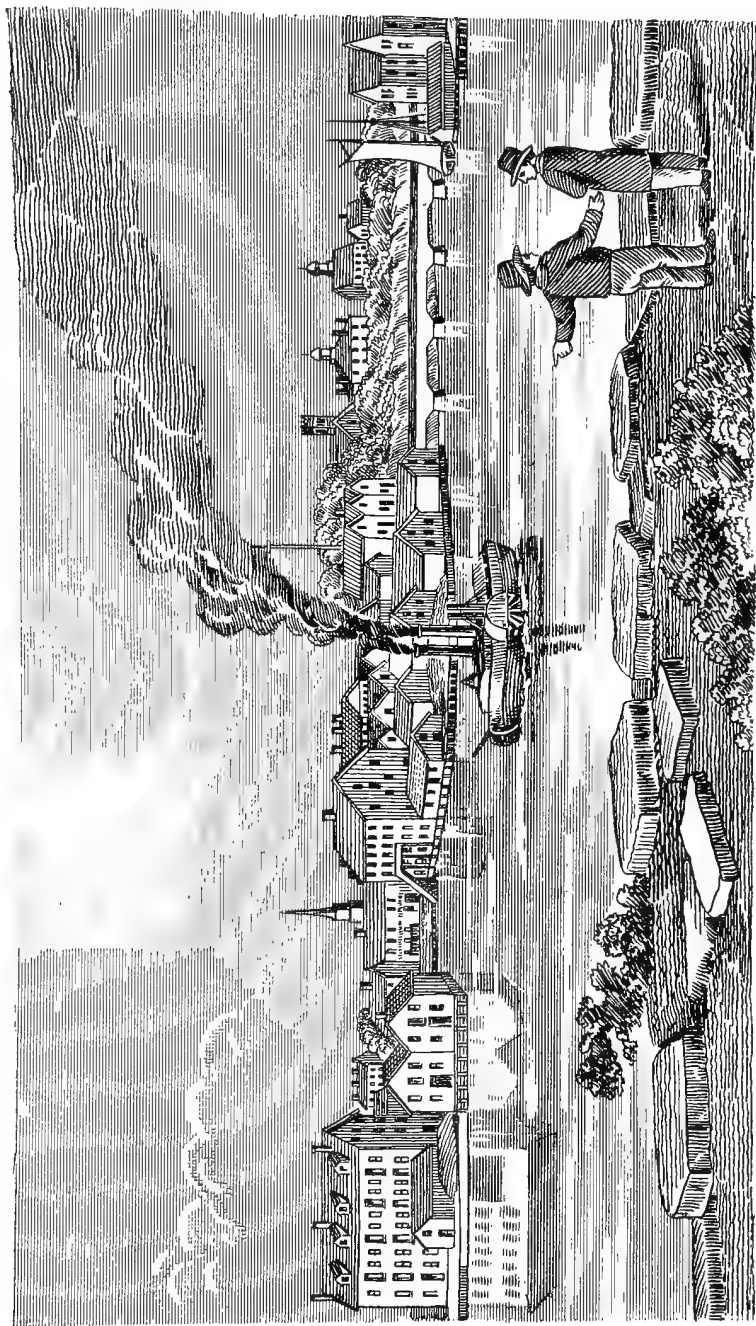
Anthony Lamb, Aid-De-Camp.

BRITISH ATTACK OGDENSBURG.

GEN. BROWN ORDERED TO THE FRONT THREE DAYS AFTER THE TOWN
HAS BEEN CAPTURED BY THE ENGLISH AND PILLAGED.

Albany, February 25, 1813.

Sir: Having been informed that the State is invaded at or near Ogdensburgh in the County of St. Lawrence by the British Forces from Canada, I do, pursuant to the Militia Law of this State, hereby authorize and require you to repair to that Quarter with from five to seven hundred militia of your Brigade. You will take the command of them and of such other forces as may join you and repel the said Invasion and protect the Inhabitants of this State on that Frontier. You will call out one Lieutenant Colonel and three Majors as Field Officers, and apportion the number of Captains, Subalterns and Regimental Staff to the number of Militia who may turn out. You will report to me



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VIEW OF OGDENSBURG.

your proceedings under this order as often as possible and proceed to execute it without a moment's delay. The State Cannon at Watertown or Sackett's Harbour is subject to your order as likewise the Military Stores in the State Arsenal. You must remember that receipts must be given to the keepers and a regular account and disposition of them be rendered by your Quartermaster who will be held accountable for them.

Yours respectfully,

Daniel D. Tompkins.

Genl. Jacob Brown.

WAR IN FRONT AND ALSO IN THE RANKS.

G. O.: Headquarters, Albany, 13 March, 1813.

Whereas a controversy is represented to exist between Capt. Benjamin Seeley, Capt. John Clark and other Captains of the One hundred and twenty-first Regiment of Infantry of the State of New York, the Commander in Chief is pleased to institute a Board of Officers to settle the said Controversy. Brigadier General Micajah Pettit is appointed President, and Lt. Col. Pliny Adams and Major Nathaniel Pitcher members of the said Board. The President will report the facts & the opinion of the Board thereon so soon after they have heard the proofs and allegations of the parties as may be convenient. The President will also appoint the time and place for the said Board to meet and will cause the Members thereof, the Commandant of the said One hundred and twenty-first Regiment and the officers whose relative rank may be investigated and determined by or submitted to the said Board to be duly notified of such time and place of meeting.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE SUFFOLK COUNTY FRONT LOOKED AFTER.

G. O.: Headquarters, Sagg Harbour,* May 1st, 1813.

Brigadier General Rose will in case of invasion of any part of the County of Suffolk or other emergency take the superintending, command and direction of all the Militia of said County, as well exempts as others who are hereby required to obey and fulfil all orders and directions they may receive from him.

The Superintendent of the arsenal at Sagg Harbour is authorized to deposit in the several exposed towns of Suffolk, not already supplied upon the request of the Inhabitants thereof, and upon taking a bond to the People of this State with good and sufficient surety for the safe return thereof, arms, ammunition and Military Stores belonging to the State; provided General Rose shall deem and certify the same to be necessary and proper. In case of Invasion or other emergency the Exempts of Southampton and other Towns may be supplied with arms and equipments from the arsenal, but for all articles delivered under this order to companies of Exempts the like Security above mentioned must be taken and the like order of General Rose required unless upon a sudden alarm when there may not be time for the formality of taking Security or receipts as aforesaid.

General Rose will call together the Field and Staff Officers of the most easterly Regiment of his Brigade and arrange with them the signals for alarm, the rallying points or places of Rendezvous upon an alarm, and the mode and places of arming and

* In 1813 Sag Harbor was one of the most enterprising trading towns on Long Island. The town itself consisted of but 80 or 85 houses, but it was a port of entry and was thriving and growing. In spite of the anxieties and apprehensions of the average Long Islander, the town was never occupied by the British and only once was it exposed to attack and then the assailants were ignominiously routed, leaving behind them in their retreat, arms and accoutrements of war. Throughout the war Governor Tompkins maintained a detachment of New York militia at Sag Harbor.

equipping the Inhabitants, and will take all the other needful preliminary measures to repel any Invasion which may happen. Henry P. Dering Esquire, of Sagg Harbour will have the directions of the Signals of any landing or attempts at landing near the village of Sagg Harbour until troops may be stationed at that village, and will please to communicate the signals he may adopt to Brigadier General Rose. In case of alarm the Inhabitants of Gardeners Island are excused from being called into actual service, but will be permitted to remain on the Island to defend themselves or take care of (thier) their families; and General Rose will give the requisite directions immediately to that effect and caused to be communicated to the Captain of the Company in which the Inhabitants of Gardeners Island may have been enrolled.

For the Commander in Chief:

(Signed)

R. Platt, Comm'y Genl. of the S. N. Y.

RALLYING PLACES ALONG THE SOUTHERN FRONTIER IN CASE OF ALARM.

G. O.

Headquarters, New York, May 31st, 1813.

The commandants of the several brigades of Infantry and of the Brigade of Artillery in the Southern District and the Commandant of the Brigade of Cavalry comprehending the Southern District, are required without delay to fix upon places of rendezvous for the respective Regiments, Battalions and Companies within their respective Brigades and within the Southern District, preparatory to invasion or alarm, and to report the same in writing to Major General Stevens of the Artillery, the Senior Militia Officer in said District, who will without delay report the same to the Commander in Chief for the time being. The orders and directions of Major General Stevens in case of

Invasion or alarm, will be implicitly obeyed by all Militia Officers within the Southern District.

By order of the Commander in Chief:

Robert Macomb, Aid-De-Camp.

TRANSFERS.

G. O.: Headquarters, May 31st, 1813.

The Commander in Chief, with the consent and approbation of the Commandants of the One hundred and sixth and Eighty-fifth Regiments of infantry, is hereby pleased to transfer and assign Major Christian of the One hundred and sixth regiment of Infantry to a Command in the Eighty-fifth, and Major Prall of the Eighty-fifth regiment of Infantry, to a Command in the One hundred and sixth.

Brigadier General Steddiford will issue the requisite Brigade orders to carry this arrangement into execution immediately.

By order of the Commander in Chief:

Robert Macomb, Aid-De-Camp.

G. O.: Headquarters, New York, June 26th, 1813.

The Commander in Chief having been advised that it will promote the public good and accommodate the wishes and convenience of the parties concerned that the troop of Cavalry in Oneida County, commanded by Captain Sanford Tracy be organized into a Company of Horse Artillery, the said Troop is therefore hereby organized into a Company of Horse Artillery, under the following Officers who are hereby brevetted and assigned as officers of said Company and are to be obeyed and respected accordingly: Sanford Tracy, Captain; Elihu Trowbridge, 1st Lieut.; Roswell Hart, 2d do; John Williams, Cornet.

The said Company of Horse Artillery will until further directions obey the orders of Lieut. Col. Lynch of the Cavalry and be considered as attached to his Regiment of Cavalry and subject to his orders, except for annual review; the said Company will parade under and pursuant to the orders of the Commandant of the Third Brigade of Artillery. The said Company will parade four times by Company in each year in addition to the parade for annual review.

By order of the Commander in Chief:

Robert Macomb, Aid-De-Camp.

GEN. MARTIN RESIGNS HIS COMMISSION.

G. O.: Headquarters, Albany, Aug't 2d, 1813.

Brigadier General Solomon Martin having resigned his commission, and his resignation having been duly accepted by the Commander in Chief, the command of the Second Brigade has devolved on the Senior Lieutenant Colonel Commandant thereof, who is hereby directed to take upon himself the command of the said Brigade and is to be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-De-Camp.

PROXIMITY OF THE BRITISH FLEET CREATES ALARM.

AND GENERAL PREPARATIONS ARE MADE TO RALLY THE MILITIA AT
THE SHORTEST NOTICE.

G. O.: Headquarters, Albany, July 31, 1813.

The Commander in Chief has received orders from the President of the United States to call into service for the defence of the State of New York, a portion of the Militia thereof, under and pursuant to the Act of Congress passed 28th February, 1795, and

the Act supplementary thereof passed February 2nd, 1813. The following detachments of Infantry will therefore, be made, and organized, by the respective Commandants of Brigades without a moment's delay, so that they may be in readiness to assemble at places of rendezvous (to be prescribed in future orders) by the sixteenth day of August now next:

From the Fortieth Brigade of Infantry, including Officers..	500
From the Sixteenth	350
From the Seventeenth	300
From the Eighth	400
From the Ninth	500
From the Twelfth	500
From the Fourteenth	250
From the Nineteenth	400
From the Twentieth	500
From the Twenty-third	350
From the Thirtieth	250
From the Thirty-first	250
From the Thirty-fourth	400

The Second Regiment of Riflemen, commanded by Lieutenant Colonel Samuel M. Lockwood; the Sixth Regiment of Artillery, commanded by Lieutenant Colonel Cooley; together with Capt'n John B. Yates' Uniformed Corps of Schenectady; Capt'n Chauncey Humphrey's troop of Cavalry of Albany; all the companies of Light Infantry, Grenadiers and Riflemen within the Counties of Dutchess, Orange, Ulster, Sullivan, Columbia, Greene, Albany, Schenectady, Saratoga, Rensselaer, Washington, Warren, Essex, Clinton and Franklin, excepting those companies which were in service in 1812, will likewise be in readiness to enter the service by the said Sixteenth day of August next.

But should any of the Independent Corps which were in service in 1812, or any Company of Exempts, or other Association, tender their services, they are to be accepted and organized with officers of their own choice, by the respective Commandants of Brigades to whom the offer may be made. No substitute ought to be received, unless he shall be provided with sufficient clothing for three months, independent of military equipments. Every Soldier must furnish and take with him a Musket or Rifle, Knapsack, Cartridge-Box, Canteen, three Flints and a Watch coat.

Those who are unable to equip themselves with Muskets, Cartridge-Boxes, Knapsacks or Canteens, will be supplied from the public deposits. The Militia who actually served for six months, during the last year, will be excused upon this occasion, by producing proper discharges, or other evidence of such service. The respective Commandants of Brigades will report to the Commander in Chief immediately the most proper places of rendezvous within their respective brigades, that the same may be announced in general orders. The Militia thus detached, will be organized into Companies of one hundred, including one captain, two Lieutenants and two Ensigns to each company. The Companies will be formed into Regiments of one thousand men, as near as may be, including officers, with two Lieutenant Colonels and two Majors, as Field Officers of each; and the said Regiments will be formed into three Brigades; (Major General Mooers will have the immediate command of the whole detachment subject to the orders and directions of the Commander in Chief.)

Brigadier General Reuben Hopkins of Orange, Brigadier General Samuel Haight of Greene, and Brigadier General Daniel Wright of Essex, will command the respective Brigades; and Lieutenant-Colonels John Prior and Guert Van Schoonhoven of

Saratoga; James Green and Hendrick Van Schaick of Washington County; John T. Van Dalsen of Albany County; Abraham I. Hardenburg of Ulster, James Tallmadge Jun'r and Abraham Van Wyck of Dutchess County; Samuel M. Lockwood of Albany; and Gilbert Eddy of Rensselaer are assigned as Lieutenant Colonels.

The Majors will be assigned by the Commandants of Divisions by which the troops are furnished, in the following manner:

One Major from the Fortieth Brigade.

One " " Sixteenth "

Two Majors " Seventeenth "

One Major " Eighth "

Three Majors from the Twelfth Brigade.

One Major " Twenty-third "

One " " Thirty-first "

The Captains and Subalterns will be assigned by the Commandants of Brigades.

The Independent Uniform Corps will be commanded by their own Officers, or by so many of their own Officers as will be in proportion to the number of men; and it must be understood, that if upon arrival at the places of rendezvous, the officers of any Corps be more than in proportion to the number of Men present, the supernumeraries are to be dispensed with either by agreement or by lot.

If the Troops hereby required to be in readiness shall enter the service of the United States, they will not be liable to serve a longer period than three months, from the time of their arrival at the place of rendezvous, and will probably be discharged before the expiration of that period. They will receive the same

camp equipage, rations, pay and other accommodations, as are provided for the army.

The Commander in Chief has the utmost confidence that there will be great alacrity manifested by all the officers, Non-Commissioned Officers and Privates, to comply promptly with this General Order and preserve the high reputation of the Militia of the State of New York; and that they will eagerly embrace the opportunity now offered of manifesting their patriotism, by cheerfully undertaking a short tour of Military duty for its defence and welfare.

By order of the Commander in Chief:

Solomon Van Rensselaer, Adjutant General.

THE TWENTY-NINTH BRIGADE TAKES TIME FOR A PARADE.

G. O.: Headquarters, Albany, August 26, 1813.

It having been represented to the Commander in Chief by the General commanding the Twenty-ninth Brigade of Infantry, that it is the wish of the Officers generally of the Regiments composing the same, that a Brigade parade should take place some time in the month of September or beginning of October next; it is, therefore, ordered, that the whole of the Twenty-ninth Brigade do assemble and parade together in September or October next on a day and at a place in Rockland County to be appointed by Brigadier General Van Orden. All the Artillery, Cavalry, Riflemen, and other Uniform Corps of said County upon being notified will parade at the same time and place and for that parade be subject to the orders of Brigadier General Van Orden.

By order of the Commander in Chief:

Stephen Lush, Junior, Aid-De-Camp.

LIEUT. COL. JOHN BLEECKER BEFORE A COURT OF INQUIRY.

G. O.: Headquarters, Albany, August 27th, 1813.

WHEREAS, complaints have been exhibited in writing by commissioned officers of the ninth Regiment of Artillery against Lieut. Col. John Bleecker, Commandant of said Regiment, of improper and degrading conduct as a Major of artillery before he was brevetted as Lieut. Col. Commandant of said Regiment;

AND WHEREAS, a number of commissioned officers of said Regiment have also presented their resignations in writing, assigning as reasons therefor, the said supposed improper conduct of the said John Bleecker;

AND WHEREAS, the said complaints and resignations have been referred by Brigadier General Morton to the Commander in Chief to determine and proceed thereon;

AND WHEREAS, to enable the Commander in Chief to decide upon the propriety of approving the said resignations and to do justice to the respective parties in relation to the subjects of controversy and complaint, he is pleased, upon the said written complaints so referred to him as aforesaid and upon the personal application of the said John Bleecker, to institute a Court of enquiry to investigate the conduct of the said John Bleecker in relation to all the matters complained of by the commissioned officers as aforesaid. The Court will consist of Brigadier General Gerard Steddiford, Lieut. Cols. Jonas Mapes, Edward W. Laight, and William Paulding Junior, and Charles, Captain and Aid-De-Camp to the Quartermaster General. Major William B. Crosby will act as Judge Advocate, and Brigadier General Steddiford as President of the Court. The Judge Advocate will cause Majors John Minuse and Daniel D. Smith, Cap-

tains Richard Kingsland, Aaron Levy, Daniel E. Dunscomb, Jacob Antony, Valentine Luff, Alexander M. Muir, William Halstead and L. Van Dyck Junior of the ninth Regiment of Artillery, or a majority of them to be notified forthwith of the appointment of this court and will require them within two days thereafter to present to him the complaints which have been alleged by them against the said John Bleecker, in the shape of specific charges, which charges the judge advocate will exhibit to the Court at its first meeting and a copy of which charges he is required to serve on Lieut. Col. Bleecker at least two days before the meeting of the Court unless he shall waive that privilege.

The Court will convene at Coleman's Tavern in the City of New York on the 6th day of September next at ten O'Clock in the forenoon to hear the evidence which may be offered touching the charges exhibited as aforesaid or such of them as the Court may deem cognizable and proper to be investigated. The President of the Court will report the facts with the opinion of the Court thereon to the Commander in Chief without delay. In case either of the members cannot be notified in season on acc't of absence from New York, or cannot attend on account of sickness, their place will be supplied by the President of the Court with Lieut. Col. Joseph Blackwell of the Infantry, Major James Warner of the Cavalry or Major Horatio G. Stevens of the artillery, who are named as supernumeraries to supply vacancies and will be notified by the Judge Advocate accordingly.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adjutant General.

ANOTHER GENERAL RENDEZVOUS ORDERED.

G. O.: Headquarters, Albany, August 25th, 1813.

In pursuance of a requisition made by authority of the President of the United States, the commandant of the seventh Division of Infantry is hereby ordered forthwith to detach and have in readiness for immediate actual service the following number of men, exclusive of officers, non commissioned officers and Musicians, from the following Brigades of his Division:

500 from the Seventh Brigade.

300 " Twenty-fourth Do.

300 " Thirty-ninth Do.

300 " Thirty-eighth Do.

250 " First Do.

together with three light Infantry companies and three Rifle companies each to consist of one Captain, two Lieutenants, and two Ensigns, five Sergeants, six Corporals, two Musicians and ninety Privates; the Infantry companies are to be organized by the Major General with a like number of Officers, Non Commissioned Officers and Musicians and Privates. The light Infantry will be formed into a Battalion under the command of a Major of Infantry to be assigned by the commandant of the Division which Battalion, with that of Artillery will form one Regiment to be commanded by Lieut. Col. George Fleming of Cayuga County. The four companies of Riflemen will be attached to the Regiment of Infantry or to be organized into a Separate Battalion at the discretion of the commanding officer of the detachment. The commandant of the Third Brigade of Artillery is hereby required to furnish from that part of his brigade contained in the Counties of Onondaga, Cortland, Cayuga, Tioga, Seneca, Steuben, Ontario and Genesee,

360 men, exclusive of officers, Non-commissioned officers and musicians and to organize them into four companies, each to consist of one Captain, two first Lieutenants, two second Lieutenants, five Sergeants, six Corporals, two Musicians and ninety privates, and into one Battalion to be commanded by Major Samuel Adams of the Seventh.

Each non-commissioned Officer, Musician and Private will appear at the place of rendezvous with a Musket and cartridge-box, or with a Rifle and pouch and with a Knapsack, Canteen, Blanket and Watch coat, and those of the artillery, Light Infantry and Riflemen are to be uniformed and equipped according to Law.

The Commandant of the Third Brigade of Artillery may require entire companies (which have not heretofore been in Service) to be in readiness as part of this requisition, or may detach them by draft, or accept Volunteer Corps, as he may deem most convenient and most likely to insure a prompt compliance with this order.

The Infantry detachment will be organized into two Regiments, each of which will have two Lieutenant Colonels and two Majors as Field Officers. Lieut. Cols. Henry Bloom and Hugh W. Dobbin are assigned to the first Regiment; and Lieut. Colonels Philetus Swift and Caleb Hopkins to the second. Each of the Commandants of the Seventh, Twenty-fourth, Thirty-eighth and Thirty-ninth Brigades will select and nominate to the Commandant of the Division, One Major and the Commandant of the Division will organize the detachment of Infantry into two Regiments with the field officers so named and assigned.

The troops from the Seventh and Thirty-eighth Brigades of Infantry will form the first; and those from the First, Twenty-fourth and Thirty-ninth, the second Regiment of Infantry.

The captains and Subalterns will be selected and assigned by the Commandants of Brigades.

If Companies or other Corps of Artillery, Light Infantry, Grenadiers, Riflemen or Exempts, shall offer their Services, or shall be ordered into Service in a body, they will be commanded by their own officers or by so many of their own officers as will be in proportion to the number of men. The companies of Exempts in the before-mentioned Counties are hereby placed under the command of the Major General of the Seventh Division for the purpose of complying with this requisition. The whole detachment will form one Brigade, to the command of which Brigadier General George McClure of Steuben County is assigned.

The Drafted Militia and members of Volunteer Corps who were ordered out and actually served during the year 1812, and who were honorably discharged during or at the end of the term of service, or were furloughed or paroled, are exempted from this requisition. In all cases of former service by substitutes, the principal and not the substitute will be excused.

No Surgeon's certificate will be conclusive as to the ability of an individual to perform duty, or as to his liability to be detached, for service, unless countersigned by the commandant of the Company to which the individual may belong and by one Field Officer of the Regiment. All officers will be held rigidly responsible for the faithful exercise of this discretion.

The Senior Lieut. Col. of the respective Regiments of the Detachment will select their Regimental Staff Officers to consist of one Adjutant, one Quartermaster, one Paymaster, one Surgeon and two Surgeon's mates, together with one Sergeant Major, one Quartermaster Sergeant, and 2 Senior Musicians.

One Brigade Inspector, one Brigade Chaplain and one Aid-de-Camp will be appointed by General McClure.

This detachment is required, conformably to the act of Congress passed 28th Febry. 1795, and the act supplementary thereto, and will not be liable to serve a longer period than 3 months from the time of arrival at places of rendezvous. The troops will supply themselves with provisions until their arrival at the rendezvous and will be entitled to draw back rations and pay therefor at the rate of fifteen miles per day in travelling thereto, from their respective places of Residence. The time and places of rendezvous with the destination of the troops and the service to be required of them will be announced in future Gen'l orders.

The patriotism displayed by the militia of the western District of this State on all former occasions, gives the Commander in Chief the utmost confidence that this General order will be executed with the utmost promptitude and zeal.

By order of the Commander in Chief:

Sol Van Rensselaer, Adjut. Genl.

G. O.: Headquarters, Albany, August 28th, 1813.

The Militia Detachment mentioned in General Orders of the 25th Instant, is directed to enter the service of the United States and rendezvous for that purpose at the times and places following:

The troops of every description to be furnished by Cayuga County will assemble on Monday the sixth day of September next at ten o'clock in the forenoon at such place or places as shall be named by Brigadier General Tillotson of the Infantry.

The detachment from Seneca County will meet on Tuesday the Seventh day of September next at 10 O'Clock in the forenoon

at a place or places to be designated by the Commandant of the Thirty-eighth Brigade of Infantry.

The requisition from the Steuben Militia will rendezvous on Tuesday the Seventh day of September next at 9 O'Clock in the forenoon at a place to be appointed by Brigadier General McClure.

The Ontario Militia of every description will assemble on the Ninth day of September next at 10 O'Clock in the forenoon at places of rendezvous to be appointed by Major General Amos Hall; and the Artillery from Tioga on one of the days above mentioned, at such place as Lieut. Col. Walter Grieve of the Artillery shall direct.

The Artillery of Onondaga and Cortland counties will not rendezvous for the present, but will continue prepared to march on the shortest notice. The Brigadier General of the Third Brigade of Artillery is requested to order the detachment from his Brigade to assemble on the days before mentioned, and at the places to be selected by the Brigadiers of Infantry. The Artillery Corps will not take their field pieces with them but will be supplied at the frontier post to which they are destined.

The Assistant Commissary of the Western District will repair immediately to the Arsenals at Canandaigua and Batavia and will exert himself to complete the equipment of the Corps now ordered into service with every needful article of which it may be deficient.

Major Samuel Edmonds is assigned as District Paymaster of the Militia detached from the Western District; John F. Bacon as Brigade Quartermaster and Stephen Lush Junior as Judge Advocate. Major Edmonds will act as Brigade Quartermaster until Mr. Bacon shall join the Brigade. The Quarter and Pay-

master will enter into bonds with sufficient sureties in the penalty of \$15,000 each conditioned for the faithful execution of the trust reposed in them, and will likewise take and Subscribe an oath to demean themselves diligently and honestly in their respective offices.

The Commissioned Officers of the detachment are Strictly charged to devote themselves to the duties of organizing and disciplining their several Corps and promoting the health, comfort, and usefulness of the troops committed to their care.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj. General.

G. O.: Headquarters, Albany, Sept. 1st, 1813.

The Commander in Chief having formed the detachment of Militia required by General Orders of the 31st July last, into one Division and into Brigades and Regiments, as specified in the annexed organization (See organization page 446 post) directs that the first Brigade thereof, excepting therefrom the Uniform Companies of the Fourteenth, Seventeenth, Nineteenth, Thirtieth and Fortieth Brigades, do rendezvous for service, in detachments, at the times and places following:

The Companies of Grenadiers, Light Infantry and Riflemen of the Thirty-fourth Brigade at New Burgh, on the 8th day of September instant at 10 O'Clock in the forenoon; those from the Twentieth Brigade on the same day and hour at or near Rhinebeck Landing, the particular spot to be appointed by General Heermance; those from the Twenty-third Brigade at Kingston on the 9th day of September at 10 O'Clock in the forenoon, or at such other place or places as General Westbrook shall direct; those from Greene county on the 9th at the same hour, at Athens or Coxsackie, or part at each place as may be required by Brig'r

General Haight; companies of the Sixth Regiment of Artillery, which belong to Columbia, and the Light Infantry, Grenadiers and Rifle Corps of that county, will rendezvous on the 9th day of September, at 10 O'Clock in the forenoon at the village of Kinderhook; the Companies of Artillery, Light Infantry and Grenadiers of Rensselaer County, will assemble on the 10th of September at 10 o'Clock in the forenoon, on the open field immediately south of the old Bank, between Lansingburgh and Troy; Col. Lockwood's Regiment of Riflemen, and Capt'n Yates' Corps of Horse Artillery, will assemble at such time and places as the respective commandants of said Corps may direct, so that they may be at the Village of Waterford in Saratoga County, on the 11th of September, at 10 O'Clock in the forenoon, at which time and place the other Uniform companies from the Thirty-first Brigade will also appear. That portion of the Sixth Regiment of Artillery which is in the south Brigade of Washington County (Sixteenth), together with the Companies of Light Infantry, Grenadiers, and Riflemen of the said Brigade, will rendezvous on Monday the 13th of September at 10 O'Clock in the forenoon, at such place as Brigadier General De Ridder shall direct; and the Light Infantry, Grenadiers and Riflemen of Saratoga County, will rendezvous on the 11th at 10 O'Clock in the forenoon, either at Waterford, the place of general rendezvous, or at such other place as Brigadier General Clark may prescribe in brigade orders.

It is requested that the Commandants of Brigades from which the several detachments are made, attend at the places of rendezvous of the troops from their respective brigades, to see to their accommodation and organization, and to determine all appeals to them with respect to excuses and discharges. The Commandants of companies are authorized, with the consent of the Briga-

dier or Field Officer of his regiment, to excuse and exempt all members of their corps, except substitutes, who are extremely indigent, or are infirm, or whose families would be distressed by their absence from home; but they will be held responsible for an impartial, upright and discreet exercise of this authority. Surgeon's certificates will not be received as conclusive or binding in any case, as to inability; but the Commandant of the Company and General or Field-Officer, will be careful to examine into the grounds of such certificate. The Commandants of Brigades are also authorized to except from this call all companies organized within one year past, which he may be satisfied have not twenty men in uniform and equipped according to law, including officers; but they are strictly charged to report all companies, excused under this discretion, at the end of the year from the date of the Captain's commission, for disbandment, if they shall not then contain the number of men required by law, uniformed and equipped in all respects.

Every Non-commissioned officer, Musician and private will appear armed and equipped according to law and with a Watch-Coat and blanket.

The Troops will supply themselves before leaving home, or before embarking for Albany, with five days' provisions, and will be entitled to draw back rations therefor upon or after their arrival at Waterford. The whole of the detachment south of Washington and Saratoga counties will repair to Waterford, in Saratoga County, without a moment's delay. Means of transportation will be furnished at the respective places of rendezvous, but camp equipage and deficient equipments will not be supplied until their arrival at Waterford. That portion of the Brigade to be assembled at Waterford, will there be mustered and inspected, and

will receive pay according to that inspection. The general and Field-Officers of the detached Brigade now called into service, will, respectively, attend at some one of the places of rendezvous, to assist in providing for and organizing the troops there assembled.

The Drafted Militia and members of Uniform Companies who were ordered out during the year 1812, and who were honorably discharged during or at the end of service, are exempted from this call. In all cases of substitutes, the principal and not the substitute will be exempted.

Brigadier General Hopkins is authorized to select for himself one Brigade Major and Inspector, one Brigade Chaplain and one Aid-De-Camp. The senior Lieutenant Colonels of each Regiment of Infantry of the detachment will select and assign an Adjutant, Quartermaster, Paymaster, Surgeon, two Surgeon's Mates, a Sergeant Major, and two principal Musicians, for their respective regiments; and will be in readiness to rendezvous with their respective Regiments at a moment's warning, if it should hereafter become necessary.

By order of the Commander in Chief:

Solomon Van Rensselaer, Adj. Genl.

ORGANIZATION OF THE DETACHMENT OF MILITIA MENTIONED IN GENERAL ORDERS OF 31ST JULY, 1813.

Name of the Commandant of the Detached Division	No. of Brigades	Names of the Brig'r Gen'l assigned in the Detachment	No. of Detach'd Regiments	Names of Lieut. Colo's assigned to the Detach't	Names of Majors Assigned to the Detach't	From what Brigades & Counties Detached.	No. Privates in each Regiment	No. Priv in each Brigade	No Privates in the Division
Benjamin Mooers	1st	Reuben Hopkins	2d Riflemen	Samuel M. Lockwood	Henry Koon	Albany & Rensselaer	*	*	
			6th Artillery	Levi Cooley		Columbia Rensselaer Wash- ington, Warren, Essex, Clinton & Franklin			
			Light Infan- try	{ Abr'm J. Hardenburgh James Tallmadge Jr. Gilbert Eddy		{ 8, 9, 12, 14, 16, 17, 20, 23, 31, 34, 37, & 40th Brigades of Infantry			
	2d	Daniel Wright	1st Infantry	{ Hendrick Van Schaick John Van Dalsen John Prior		{ 40 Brig. Essex, Clinton & Franklin.	800		
			2nd Infantry	{ James Green		{ 17 do Warren & Washington			
			3d Infantry	{ Caleb Carr Daniel Warner		{ 9 do Saratoga 16 do Washington			
	3rd	Samuel Haight	4th Infantry	{ Guert Van Schoonhoven Anthony Delamater		{ 31 Albany 14 Schenectady & Albany	900		2550
			5th Infantry	{ Augustus N. Holly Isaac Belknap Jun'r		{ 8 Rensselaer 12 Columbia			
						{ 23 Ulster & Sullivan 34 Ulster & part of Orange			
			6th Infantry	Abraham Van Wyck		{ 19 Orange 30 Dutchess & Putnam in- cluding Light Infantry, Grenadiers & Riflemen of those Brigades estimated at 250 at least			

* As these Regiments will consist of a great variety of Independent Companies, the number of Privates which will form the Regiments & brigade, & the whole Division, cannot be ascertained until the First Brigade be assembled, mustered & inspected.

MILITIA OF THE CENTRAL COUNTIES OF THE STATE ORDERED INTO
THE SERVICE OF THE UNITED STATES.

G. O.: Headquarters, Albany, Sept. 4, 1813.

Pursuant to a requisition duly made for that purpose, a detachment of the Militia of this State in the Counties of Montgomery, Madison, Otsego, Herkimer, Oneida, Onondaga, Jefferson and Lewis is hereby order'd to enter the service of the United States for the defence of the frontiers, on Tuesday the 14th day of September Inst. at 10 O'Clock in the forenoon at places to be appointed as hereinafter mentioned.

The number required from each Brigade of Infantry, and from each Regiment of Artillery, with the organization in part, is specified in a Schedule annexed to this General Order. The Major General of the Fourth Division of Infantry will nominate one Lieut't Colonel of the Eleventh Brigade of Infantry; the Major General of the Fifth Division, one Lieut. Col. of the Twenty-first or Twenty-sixth Brigade of Infantry, one Major of the Fourth Brigade, and one Major of the Twenty-first Brigade, which Lieut. Cols. and Majors will be the Field Officers of the first Regiment of the detachment. The General of the Sixth Division will appoint one Lieut. Colonel, and one Major of the Thirty-fifth Brigade of Infantry, one Major of the Second and one Lieut. Colonel of the Twenty-seventh, which said last mentioned Lieut't Colonels and Majors will be the Field officers of the Second Regiment of the detachment.

The Artillery will form a separate Corps, with Lieut. Colonel E. H. Metcalfe, of Otsego, and Major Peter C. Fox, of Montgomery, as Field Officers.

The Senior Lieut't Cols. of the respective Regiments of the detachment are authorized to select from their respective Regi-

ments, an Adjutant, Quartermaster, Paymaster, Surgeon, Surgeon's Mate, and Sergeant Major. The whole detachment will form one Brigade to the command of which Brigadier Genl. Oliver Collins of Utica, is assigned. He is authorized to select a Brigade Major, Chaplain, and Aid-De-Camp, and two Wagon-masters, one Assistant Forage-master, and one Deputy Barrack-master. Samuel Campbell of Columbus, is appointed Quartermaster, Samuel Whittlesey of Watertown, Paymaster, and Aaron Hackley Junior of Herkimer, Judge Advocate of the Detachment.

The detachment is required, under authority of the Act of Congress, passed 28th February, 1795, and will not serve a longer term than three months.

The General Rendezvous will be at Martinsburgh, Lowville or Champion, as may be determined by Genl. Collins, the Commandant of the detached Brigade. The places of special or county rendezvous will be assigned as follows: for the Artillery of Otsego County, by Lieut. Col. Metcalfe, and for the Infantry and Light Infantry of Otsego, by the Comm'dt of the second Brigade of Infantry. In Madison the rendezvous of Infantry and Light Infantry will be appointed by the Commandant of the 35th Brigade of Infantry, and that of the Artillery by Brig'r General Kirkland.

In Onondaga the place of particular rendezvous will be selected by the Comm'dt of the Twenty-seventh Brigade of Infantry. The Infantry and Light Infantry and Riflemen of Oneida, and Capt'n Jennings's Company of Horse Artillery will assemble at such place or places as Brig'r Gen. Collins may require, and the Artillery of Oneida County will meet, conformably to orders to be issued by Brigadier Genl. Kirkland. The

rendezvous for the Artillery of Montgomery County will be appointed by Lieut. Col'l Henry R. Teller, and that of the Infantry and Light Infantry by the Comm'dt of the Eleventh Brigade of Infantry.

The Infantry of Herkimer will meet pursuant to orders of the Comm'dt of the Twenty-first, and those of the 26th pursuant to orders of the Comm'dt of that Brigade. The detachment from the Fourth Brigade of Infantry will not be required to take the field until directed by future orders of Brig'r Genl. Collins.

The several officers before mentioned are requested to establish the places of assembling as far towards that of the General Rendezvous as the convenience of the county detachments will permit.

The Artillery, Light Infantry, and Riflemen will appear completely uniformed and equipped, according to law.

The former will be supplied with ordnance, field pieces and implements at the place of their destination.

The troops when assembled in Counties will move without a moment's delay towards the place of General Rendezvous. Every noncommissioned officer, musician and private, except of Artillery, will appear furnished, according to law, with a musket or rifle, cartridge (sic) box or pouch, Knapsack, canteen, blanket and watch-coat, and with three days' provisions cooked, and will be entitled to draw back rations at Herkimer, Utica or the place of General Rendezvous.

If provisions should not be supplied by the Contractor or his Agents, the Commanding officer at each place may procure them of other persons at the contract price, and if tents and camp equipage should not be furnished previously to the arrival of the troops at the place to be designated for General Rendezvous, the

brig'r and Reg'r Q'rmasters will cause the troops to be otherwise accommodated and provided for on their march.

Volunteer corps, either of Infantry, Artillery, Light Infantry, Riflemen or exempts, are to be accepted by the different Commandants of brigades as part of the detachment now required.

By order of the Commander in Chief:

Sol. Van Rensselaer, Adj. Genl.

ORGANIZATION OF THE DETACHMENT OF MILITIA REQUIRED BY THE ANNEXED GENERAL ORDER.

No. of Regiment	From what Counties & Brig's detached	Num'r of Captains & Subalterns & by whom assigned.	No. of Non-Com'd officers & Musicians to be det'd	Num'r of Privates.	Total from each county.	Whole Num- ber of the Regiment.	Remarks.
1st Regiment	Lewis Co. 26th Brig'e	{ 2 Captains, 4 Lieu'ts & 4 Ensigns, to be as- signed by B. Gen'l Martin	{ 10 Sergeants, 12 Corporals 2 drummers 2 Fifers.	180	216	972	* The strength of Cap'n Jennings' Company is not known to the Commander in Chief
	Jefferson County, 4th Brigade	{ 3 Captains, 6 Lieu'ts 6 Ensigns to be ass'd by the Com'dt of 4th Brigade	{ 15 Sergeants 18 Corporals 4 drummers, 4 Fifers	270	324		
	Herkimer County	{ 2 Capt's 4 Lt 4 Ens's ass'gd by Gen'l Haile & approv'd Gen'l Widrig	{ 10 Sergeants, 12 Corporals 2 drummers 2 Fifers	180	216		
	21st Brigade	{ 1 Cap's 2 Lts 2 Ens'gs of Infantry, the same of Lt. Inf'ry ass'gd by Br. Dodge & approved by Maj'r Gen'l Veeder.	{ 5 Serg'ts of Inf'y 2 Corp's Lt. Inf'y 2 drummers	90	216		
	Montgomery County 11th Brigade	{ 1 Capt. 2 Lieu'ts 2 Ens'gs of Inf'ry the same of Lt. Inf'ry to be assign'd by the Senior Lieut. Col'l Comm'dt 2nd Brigade	{ 5 Sergeants, 6 Corporals 1 drummer 1 Fifer to each company.	Infantry 90 Lt. Infantry 90	216		
2nd Regiment	Otsego County 2nd Brigade	{ 1 Capt. 2 Lieu'ts 2 Ens'gs of Inf'ry the same of Lt. Inf'y & 1 Cap'n & 1 Ens'n of Riflemen to be ass'd by B. Gen'r Hurd, approv'd by Mr. G'l Hurd	{ the same as Otsego. 2 Sergeants 2 Corporals 3 Musicians.	90 Lt. Infantry 90 Riflemen 45	270	972	* The strength of Cap'n Jennings' Company is not known to the Commander in Chief
	Madison County 35th Brigade	{ The same of Inf'y & Lt. as above & 2 Lieu'ts & 1 Ensigns of Riflemen to be assign'd by Brig'r Gen'r Collins	{ Same as Madison	90 Lt. Infantry 90 Riflemen 45	270		
	Oneida County 13th Brigade	{ The same of Inf'y & Lt. Inf'y as in Madison, to be ass'd by Brig'r Gen. Ellis	{ Same as Madison	90 Lt. Infantry 90 Riflemen 45	270		
	Onondaga Co. 27th Brigade.	{ 1 Cap'n 2 1st Lt's 2 2nd do to be ass'gd by Lt. Col. H. R. Teller	{ 5 Serg'ts 6 Corporals 1 drummer 1 Fifer	Infantry 90 Lt. Infantry 90	216		
	Montgomery.						
	Madison	Do			108	108	
	Oneida	Do			108	108	
	Otsego.	Do			108	108	
	Cap'n William Jennings' Company of Horse Artillery of Madison				108 *	108	

DELINQUENT COURT-MARTIAL ORDERED.

G. O.: Headquarters, Albany, 16th Sept. 1813.

Brigadier General Reuben Hopkins, Commandant of the first Brigade of a Division of detached Militia of the State of New York, recently order'd into the service of the United States (Pursuant to certain acts of Congress passed 28th February, 1795 and 2nd February, 1813), is authorized and required to institute and organize a Court Martial to consist of not less than five nor more than thirteen commissioned officers of said Brigade to assess, adjudge and determine whether any, and if any, what fines and forfeitures ought to be assessed and levied against all commissioned officers, non-commissioned officers, musicians and privates organized in said Brigade, and order'd into the service of the United States under the Acts aforesaid and who without reasonable or legal causes and excuses, have failed, neglected or refused to rendezvous and enter the service of the United States, as required by orders for what purpose. The Brigadier will also appoint the time and place of meeting of the said Court and will give such further directions touching the premises as may be necessary and proper.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE GOVERNOR PRAISES THE TROOPS THAT WERE ORDERED TO
PLATTSBURG.

G. O.: Headquarters, (Albany) 18th Sept., 1813.

The Commander in Chief cannot part with the excellent Corps of uniform troops which has this day commenced its march to Plattsburgh for the defence of our brethren in that Quarter,

without expressing in orders his high satisfaction with their appearance and conduct. The alacrity with which they have commenced this short tour of duty added to the manner in which they have conducted during their encampment at Waterford, and their fine and soldierly appearance this day during review and on their march, reflects great honor upon the officers and soldiers of the Corps and upon the State of New York, and receives the particular praise and thanks of the Commander in Chief. He requests Brigadier General Hopkins to announce the same to the detachment under his command.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ANOTHER DELINQUENT COURT.

G. O.: Headquarters, Albany, 26th Oct., 1813.

The Commandants of the several companies of Light Infantry, Grenadiers and Riflemen ordered into service by General orders dated the first day of September last, are directed forthwith to transmit to the Commandant of the Brigade from which such company was detached, a correct Muster Roll of the Company duly certified, specifying upon such Roll or on a schedule to be annexed, who were excused and the causes thereof; who were delinquents, and what notice was ordered to be given, or actually given to each member of such company and by whom. The respective Brigadiers of the Counties to which said companies may belong will transmit the Said Muster Rolls and Schedules without delay to the Commander in Chief:

By order of the Commander in Chief:

Anthony Lamb, Aid-De-Camp.

ANOTHER DISPUTE OVER RANK.

G. O.: Headquarters, Albany, 25th Nov'r. 1813.

The Commander in Chief hereby organizes a Board of Officers to settle rank between Capt'n Charles Graham of the One hundred and twenty-fifth Regiment of Infantry and Capt'n Edward L. Schiefflin of the Eighty-first. Brigadier General Morton of the Artillery, Lieutenant Colonels Edward W. Laight and Jasper Ward of the Infantry, Major Warner of the Cavalry, and Major Minuse of the Artillery, will form the board. General Morton will be president of the Board, will appoint the time and place of its meeting and will notify the members and also Brigadier Gen'l Mapes thereof. Gen'l Mapes will notify the officers whose rank is to be decided of the time and place of the meeting of the board.

By order of the Commander in Chief:

Anthony Lamb, Aid-De-Camp.

THE THIRD REGIMENT OF ARTILLERY CONVERTED
INTO TWO REGIMENTS.

AND THE NEW ORGANIZATION EVENTUALLY BECOMES THE EIGHTH
REGIMENT OF THE NATIONAL GUARD.

G. O.: Headquarters, New York, Dec'r 7th, 1813.

Upon the recommendation and request of the Commandant of the first Brigade of Artillery, and the solicitation of most of the officers of the third Regiment of Artillery resident within the City and County of New York, the Commander in Chief hereby organizes the said Regiment in to two Regiments, one of which, to be called and known as the third Regiment, will consist of the Companies and Corps in the City of New York now belonging to said Regiment, and the residue of said Regiment is organized into a separate Regiment, to be called and known as the thir-

teenth. The last mentioned Regiment will be commanded by Lieut. Col'l Martin Boerum. The first battalion will consist of the Artillery Corps of Westchester County and be commanded by Major Lyon, and the second Battalion of the Artillery Corps in Suffolk, Queens and Kings Counties and will be commanded by Major Barbarin. The Staff officers of the present third Regiment within the limits of the thirteenth Regiment are assigned to and will act in the Thirteenth in the same grades which they now fill in the Third, and those resident within the City of New York are assigned to and will continue to act in their several grades in the Third Regiment hereby organized.

Major Joseph O. Bogert is assigned and brevetted to be Lieut. Colonel of the third Regiment now organized, and Capt'ns John Graff and William T. Hunter to be Majors thereof, the senior of the two to be first Major and the Junior to be second Major.

Major Genl. Stevens will cause this Gen'l order to be carried into effect without delay.

By order of the Commander in Chief:

Robert Macomb, Aid-De-Camp.

G. C.: Headquarters, New York, Decem'r, 8, 1813.

The Commander in Chief is pleased to make the following promotions in the third Regiment of the first Brigade of New York Artillery:

Stephen Phelps to be Captain, vice Wm. T. Hunter, pro'd;

George Messerve do do John Graff, pro'd;

William E. Matthews to be first Lt., vice Phelps, pro'd;

George Thompson do G. Messerve do;

Charles Rapalye to be 2d Lieut. Wm. E. Matthews, do;

Peter Valentine do Geo. Thompson, do;

John Trigler to be Cornet, vice P. Valentine, do.

The above officers are to be obeyed and respected according to the above promotions until the pleasure of the Council of Appointment be made known.

By order of the Com'r in Chief:

Robert Macomb, Aid-de-Camp.

PETER CURTENIUS, BRIGADIER-GENERAL, BY BREVET.

G. O.: Headquarters, New York, Dec. 8, 1813.

Whereas by the sixth section of the act entitled "an act to organize the Militia of this State," passed 7th April, 1801, provides that whenever the Lieutenant Colonel of the then first Regiment of Artillery of the City of New York should become the Senior Lieutenant Colonel within the City and County of New York, it should be lawful to appoint him to the rank of a Brigadier General by brevet or otherwise, and confine him if necessary to the command of the said Regiment;

And whereas Peter Curtenius, the Lieutenant Colonel of said Regiment was appointed to the command thereof under and pursuant to the said law and being now the senior Lieutenant Colonel within the City and county of New York, is justly entitled to the benefit of the said provision;

The Commander in Chief is therefore pleased to appoint and brevet the said Peter Curtenius to the rank of a Brigadier General in the militia of this State, until the pleasure of the Council of Appointment shall be expressed in the premises; and in the meantime the said Peter Curtenius will continue to command the said Regiment of Artillery.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

A TROOP OF CAVALRY DISBANDED.

G. O.: Headquarters, New York, Dec'r 15, 1813.

The Commandant of the second Regiment of Cavalry having reported to the Commander in Chief that the Second Troop of the New York squadron of said Regiment has not thirty men in uniform as is required in and by the 30th section of the Act entitled, "An act to organize the Militia of this State," and that he had accordingly disbanded said troop, the Commander in Chief is therefore, pleased to announce the disbandment of said troop, and to direct that the officers of said troop to return to the beats of the several companies within which they reside and do duty therein.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp and Lt. Col.

SEVERAL COMMANDS REORGANIZED.

G. O.: Headquarters, N. York, Dec'r 16, 1813.

The Commander in Chief is pleased to organize all the troops of Cavalry in the City of New York and Richmond County, now under the command of Major James Warner, with Captain Wilson's company of Horse Artillery of Kings County and Captain Sibbald's, of New York into a Battalion of Horse Artillery; and will take the requisite measures to supply them with field-pieces and Caissons accordingly. The second Regiment of Cavalry will hereafter consist of two squadrons, that of Long Island to be called the first squadron and that of Westchester County to be called the second Squadron of said Regiment. Major James Warner, the Adjutant and other staff officers of the second regiment of Cavalry resident in the City of New York, are transferred to this Battalion of Horse Artillery, without prejudice to

their present grade or rank. Should Major General Stevens find that it will be satisfactory to the corps hereafter mentioned to be incorporated with the battalion of Horse Artillery hereby organized, and that it will promote the safety of the City and Harbour of New York, he is authorized to organize this battalion and the troop of Cap'n Merseur, Capt. Shaw and the troop of Cavalry in Kings County into a Regiment and to brevet the field officers according to seniority of rank. Major James Warner will be the first Major Commandant of the Battalion of Horse Artillery organized by this order, and Cap'n James Guion Jun'r will be the second Major of said battalion. Major General Stevens will cause this order to be promptly executed, and will notify Brigadier General Giles and Lt. Colonel Jacob Odel of the Cavalry thereof. He is empowered also to direct the number and places of the parades of said battalion according to the provisions of the 27th section of the Militia law of this State.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

THE NINTH REGIMENT OF ARTILLERY REDUCED TO A BATTALION.

G. O.: Headquarters, N. York, Dec'r 17, 1813.

The Ninth Regiment of Artillery having become greatly reduced in numbers by various causes and the Lieutenant Col'l John Bleeker, Commandant thereof, being frequently absent from town, and Major Minuse, the next officer in command, having resigned, the Commander in Chief, without prejudice to the grade and rank in the Brigade of Lt. Col. Bleeker, organizes the said Regiment into a Battalion and assigns Major Daniel D. Smith to be first Major Commandant, and Cap'n Richards Kingsland to be second Major thereof. The staff of the Regiment will remain

attached to the Battalion until further Orders. Lt. Col. Bleecker will be considered a supernumerary officer until further orders.

Lt. Thomas A. Cummin is brevetted a Captain, and Peter Van Wynkle a first Lieutenant in the Battalion hereby organized and will be obeyed and respected accordingly, until the pleasure of the Council be made known.

By order of the Comm'r in Chief:

Robert Macomb, Aid-de-Camp.

REINFORCEMENTS ORDERED TO SAG HARBOR.

G. O.: Headquarters, Albany, 8th January, 1814.

The Commandant of the First Division of the Infantry of the State of New York by authority of the President of the United States made for that purpose, is required to detach and organize forthwith from that part of his Division which is in the Counties of Queens and Suffolk (having reference to the burthen of actual service already endured by the militia of those Counties respectively, and to the duty to be performed), two Companies, each to consist of one Captain, two Lieutenants and two Ensigns (to be assigned by the Major General of the said Division, or by the Commandants of Brigades with his approbation), Six Sergeants, five Corporals, two Musicians and ninety privates, which two Companies are to repair forthwith to Sagg Harbour, or to such other frontier point of Long Island as the Commanding Officer of the Thirt Military District of the United States may designate. These companies are called for under and pursuant to the Act of Congress passed 28th February, 1795, in consequence of the imminent danger of the Invasion of Sagg Harbour, and the adjoining coast, upon the discharge of the Militia now in service there, and will be liable to serve three months from the time of arrival at the

place of rendezvous, and will be entitled to the same Camp equipment, pay and rations as the regular troops of the United States.

The Major General of the Artillery of the State of New York, upon the requisition aforesaid, is directed to detach and organize from the Artillery of Suffolk and Queens, or to accept and organize a Volunteer Corps of Artillery, to consist of one Captain, one Lieutenant, the (sic) Sergeants, two Corporals, two Musicians and thirty six privates, and to order them to repair forthwith to Sagg Harbour for the purpose and according to the law before specified. They are to obey the Senior Officer in service there.

The Commander in Chief holds the Commandant of the Division of Artillery and of the first Division of Infantry, responsible for a prompt compliance with this order, without which immense injury may happen to Sagg Harbour and to that part of Long Island which is near to Gardner's Bay.

They are also vested with discretion to accept and organize Volunteers from any part of the State for the service above mentioned and to give all the needful directions respecting details of the Detachment which the Commander in Chief could legally give were he present.

By order of the Commander in Chief:

Sol'n Van Rensselaer, Adj't. Genl.

OTHER DISPUTES OVER RANK.

3 O.: Headquarters, Albany, Feby. 16, 1814.

A Board of Officers is hereby constituted to settle rank between Captains Swartwout and Deforest of the One Hundred and fifty-fifth Regiment of Infantry. The Board will consist of Lt. Col. Thomas Davis as President, and of Lt. Col. Van Schovenhoven, Major Vandercook and Major Salisbury of the Infantry, of Majors

Knickerbacker and Brees of the Cavalry, and Major Koon of the Rifle Corps. The Board will meet at Pearce's tavern in the Village of Troy on Thursday the 24th day of February instant, at 12 O'Clock in the day; of which meeting the President will forthwith notify the members of the Court, Cap'n Swartwout and Cap'n De-forest. The President of the Board is directed without delay, to report the facts which may be found by the said Board of Officers with their opinion thereon.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

G. O.: Headquarters, Albany, March 23d, 1814.

A board of Officers consisting of Seven members will assemble at such time and place as the Major General of the Second Division of Infantry shall direct to settle the rank between John Brush and George Bloom Esquires, officers in the Eighty-fourth Regiment and Twentieth Brigade of Infantry, in the County of Dutchess. The following gentlemen will compose the board:

President.

Infantry, Brigadier Genl. Leonard Smith of Newburgh.

Members.

“ Lieut. Col. Abraham J. Hardenburgh, Shawangunk;

“ “ “ Anthony Delamater, Rhinebeeck;

“ Major John Dill, Shawangunk;

Artillery, Fyler Dibblee, Dutchess County.

“ “ Samuel Slee, Poughkeepsie;

Infantry, Major Richard Rapalye, Fishkill.

If any of the above members should have resigned or be not now in commission, Major Thorne Pudney of Fishkill, or Lieut. Col. Philip Pitcher of Rhinebeeck may be substituted.

The Major General of the second Division will notify the members of the said board of their appointment and cause them and the parties concerned to be informed of the time and place of their meeting. The board will state facts, as well as express their opinion as to the priority of rank of the parties and transmit their decision to the Commander in Chief without delay.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj. Genl.

MAJOR WARNER'S BATTALION OF ARTILLERY ORGANIZED INTO A
REGIMENT.

G. O.: Headquarters, Albany, Feby. 28th, 1814.

The Commander in Chief, believing that a Regiment of Horse Artillery will be a very valuable Corps for the defence of the Southern frontier; and it being represented to him that the Corps organized into a Battalion, by a General Order of the Sixteenth day of December last, under Major James Warner is sufficiently numerous for a Regiment, is pleased to organize the said Battalion into a Regiment of Horse Artillery. Major James Warner will be the Lt. Col. Commandant thereof, Major James Guion Junior of Richmond County, the first Major, and Capt'n Lewis K. Storms of New York, the second Major, with staff and other officers as are now in commission in said Corps, and as may be appointed by the Council of Appointment. The said Regiment is annexed to the Division of Artillery and be subject to the orders of the Major General of said Division.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE GOVERNOR MAKES AN APPEAL FOR VOLUNTEERS.
BECAUSE OF THE EXPIRY OF TERMS OF ENLISTMENT OF MILITIA AND
BRITISH ATROCITIES ON THE NIAGARA FRONTIER.

G. O.: Headquarters, Albany, March 13th, 1814.

The period of service of the Militia on the Niagara frontier will shortly expire. In providing for the future security of the westerly portion of the State, various considerations induce the Commander in Chief, instead of making a requisition for a further draft from the Seventh Division, which on account of unforeseen occurrences has heretofore been greatly harassed, to appeal directly to the citizens of the State at large, and more especially to the acknowledged patriotism of the Citizens of the Western District, to furnish a select and efficient Corps of Volunteers.

The organization of the force to be raised, by virtue of this order, will be as follows: two Regiments of Infantry, with a Colonel, Lieutenant-Colonel, and two Majors for Field Officers, with the usual regimental staff of Militia;

The Regiments will consist of ten companies each and the respective companies to be composed of one Captain, two Lieutenants, two Ensigns, six Sergeants, five Corporals, two Musicians and ninety Privates. One separate Battalion, comprising four companies, with the like number of officers, non-commissioned officers, musicians and privates, as above, will likewise be organized. One Company of the Battalion to be Riflemen, two to be Light Infantry and the fourth to consist of mounted Riflemen. The field officers may be selected by the Captains and subalterns, and the latter by the Volunteers of the respective companies. The Commander in Chief earnestly recommends such selection to be made without reference to present rank, or any other considerations than those of merit, talents and patriotism. The

field and company officers who may be selected, if they should not already hold commissions of the same grade in the Militia or in Corps of Exempts, will be brevetted and commissioned by the Commander in Chief. The regimental staff will be assigned by the Commandant of the Regiment, and an Adjutant for the separate battalion will be appointed by the Commandant thereof.

General Peter B. Porter will command the whole corps. The volunteers will be provided with the same camp equipage, rations, pay and means of transportation, as are allowed to the troops of the army of the United States; and the Commander in Chief entertains a confident expectation that an additional monthly allowance, on account of clothing, will be appropriated by the Legislature of the State. The term of service of the Volunteers will be six months, if required; but there is every reason to believe that their services may be dispensed with in a shorter time.

Having given this detail of the intended organization and objects of the corps, the Commander in Chief counts with confidence, on the immediate completion of the contemplated force. The prompt and patriotic spirit evinced by his fellow citizens on every occasion which has called for their services, will not permit him to doubt the issue of this appeal. The late ravages and barbarities of the enemy on the Niagara frontier must revive painful recollections and excite the keenest sensibilities of all; and will, he hopes, produce a universal zeal to promote the success of this effort to give permanent tranquillity and security to the inhabitants of the Western district.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj. Genl.

THE SECOND REGIMENT OF HORSE ARTILLERY ORGANIZED.

G. O.: Headquarters, Albany, February 28th, 1814.

It appearing to the Commander in Chief that Horse Artillery will be a mere efficient Corps than Cavalry for the defence of the Sea bord and shores of the Sound and East River, if furnished with pieces, Caissons and other equipments by the Public, and he having by Orders of this day organized one Regiment of Horse Artillery in the Southern District, is pleased to organize and transfer the Cavalry of Westchester, Queens and Suffolk Counties into a separate Regiment of Horse Artillery, to be called the second Regiment of Horse Artillery.

These two Regiments are formed into a Brigade to be called the first Brigade of Horse Artillery. Brigadier General Jacob Odell of West Chester County will command the said Brigade. Lieut. Colonel William Jones will be commandant of the second Regiment of Horse Artillery and Major William Oakley will be first Major thereof.

Brigadier Genl. Giles of the Cavalry, having been made a Major General of Cavalry by the Council of Appointment, that part of the third Brigade of Cavalry heretofore commanded by him (not organized into Horse Artillery) consisting at present of the Cavalry in Rockland, Orange, Ulster, Putnam and Dutchess Counties, will be commanded by Brig'r Gen'l George D. Wickham of Goshen, Orange County.

The Horse Artillery of the first and second Regiments will parade twice at least in each year by squadrons, three times at least by Companies, and once by Brigade, and will as soon as convenient, if it be requested, be furnished with field pieces and implements, Caissons and ammunition for exercise and improve-

ment. The Brigade of Horse Artillery hereby organized is annexed to the Artillery until further orders.

By order of the Commander in Chief:

Sol'n V'n Rensselaer, Adjt. General.

CHARGES PREFERRED AGAINST MAJOR ANTHONY WHEELER AND LIEUT.

EBEN WHEELER.

G. O.: Headquarters, Albany, March 30th, 1814.

Complaint having been made by Alexander Neeley Esquire, to the Honorable the Council of Appointment against Major Anthony Wheeler and Lieutenant Eben Wheeler, officers in the Twenty-ninth Regiment and Twentieth Brigade of Infantry in the County of Dutchess; and the Council having referred the said complaint to the Commander in Chief, with a request that he would cause the charges to be investigated and the truth thereof to be ascertained and reported by a Court of Inquiry; he therefore orders that a Court of Inquiry do assemble at Forbe's Inn in the Village of Poughkeepsie on Friday the fifteenth day of April next at Eleven O'Clock in the forenoon, to investigate the charges exhibited against the said Anthony Wheeler and Eben Wheeler by the said Alexander Neeley, who will furnish each of the accused officers with a copy of the charges exhibited against them before the Council, at least six days before the meeting of the Court, and who will exhibit a copy thereof to the Court at its first meeting.

The following Gentlemen will compose the Court: Brig'r General Samuel Ten Broeck, President; Lieut. Col. Nathan Myers of the Artillery, Major George Bloom of the Infantry, Lieut. Henry A. Livingston, ditto, Lieut. Abraham Bockee of the Cavalry, Members.

The President will notify the Members and the parties of the time and place of their meeting and report the facts as well as the opinion of the Court to the Commander in Chief without delay.

By order of the Commander in Chief:

Sol'n V'n Rensselaer, Adjutant General.

PART OF THE TROOPS AT SAG HARBOR TO BE RELIEVED.

G. O.: 'Headquarters, Albany, April 12th, 1814.

In consequence of requisitions by the Officer commanding the Third Military District of the United States, the Commander in Chief is pleased to direct that the Commandant of the first Division of Infantry of the State of New York forthwith detach from the most convenient part of his Division and order into the service of the United States at Sagg Harbour in the County of Suffolk, two companies of Infantry, each to consist of one Captain, two Lieutenants, two Ensigns, five Sergeants, six Corporals, two Musicians and ninety privates, which companies will be detached and organized and enter into service at Sagg Harbour, on or before the first day of May now next to relieve the Detachment already in service at that place. The Commandant of the Division of Artillery will detach and order into service at Sagg Harbour aforesaid by the day aforesaid from the first Brigade of Artillery two Lieutenants, two Sergeants, two Corporals, two Musicians and 45 privates.

The emergency demands of the Commandants of the above mentioned Divisions the most prompt and effectual compliance with this order.

The detachments before mentioned will be liable to serve three months from the time of their arrival at Sagg Harbour, pursuant

to the act of Congress passed 28th February, 1795, and the acts supplementary thereto, will be entitled to the same pay, rations, means of transportation and Camp equipage as are allowed to the army of the United States, and will be subject to the orders of the officer commanding the third military district of the United States.

If Volunteers shall offer for the above service the Commandants of the Division of Artillery, of the first division of Infantry, of the first Brigade of Artillery and of the Suffolk Brigade of Infantry are respectively authorized to accept and organize them.

By order of the Commander in Chief;

John B. Yates, Lieut. Col. and Aide-De-Camp.

MINOR ORDERS.

G. O.: Headquarters, Albany, April 22, 1814.

Lieutenant Abraham Bokee having notified the Commander in Chief that he will be unable to attend on the third day of May next the meeting of the Court of Inquiry organized by a General Orders bearing date the thirtieth day of March last, Lt. Col. Anthony Delamater is hereby appointed a member of said Court in the stead of Lt. Bokee; and Majors Samuel Slee and John Brush are named as supernumeraries either or both of whom may be called upon by the President of said Court to sit as a member or members in case of a vacancy or vacancies by the non-attendance of the present members of said Court.

By order of the Commander in Chief:

Sol'n Van Rensselaer, Adj. Genl.

G. O.: Headquarters, New York, April 27th, 1814.

The Companies of Horse Artillery in the City of New York, commanded by Capt'ns Messerve and Shaw will continue to be annexed to and form part of the Third Regiment of Artillery in

the first Brigade until further orders. The other Corps of Horse Artillery in the City of New York belong to the first Regiment of Horse Artillery.

Upon recommendation of the Commandant of the third Regiment of Artillery, Philo L. Mills is brevetted and assigned a second Lieutenant in said Regiment, who is to be obeyed and respected accordingly until the pleasure of the Council of Appointment in the premises are made known.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

G. O.: Headquarters, New York, 7th May, 1814.

Major Case having declined to continue in command of the detachment recently organized for the Port of Sag Harbour, longer than he can be regularly relieved; Brigadier Genl. Rose will forthwith select and assign to the command of said detachment one Major of the line or staff of his Brigade who will repair without delay to Sag Harbour, relieve Major Case in the command of the troops in service there, and report himself to the Commanding officer of the third military district of the United States at Headquarters in New York.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

G. O.: Headquarters, City of New York, May 9th, 1814.

The company of Artillery commanded by Captain Dunscomb is organized as an independent battalion in Brig'r General Morton's Brigade of Artillery, to which battalion are assigned the following officers: Daniel E. Dunscomb, Major Commandant Charles McKenna, James B. Murray, Captains.

The residue of the Officers will be assigned in future orders.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.



OSWEGO—ATTACKED BY THE BRITISH, MAY 6, 1814.

G. O.: Headquarters, Albany, June 10th, 1814.

The appointment of the officers of the Twenty-ninth Regiment returned for promotion by the late commandant of said Regiment in March 1813, and of those returned in 1814, having been suspended on account of the complaints aforesaid, the officers, so returned, are hereby respectively assigned, appointed and brevetted in the several offices of said Regiment for which they have been so returned, with rank respectively from and including the second day of March last, and are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment thereon shall be signified.

The said Commandant of the Twentieth Brigade is also directed to make a return for appointments by the Council, in the Twenty-ninth Regiment on or before the first day of December next specifying therein that the officers brevetted by this order are respectively entitled to be commissioned with rank as herein expressed.

By order of the Commander in Chief:

Sol V'n Rensselaer, Adj't. Genl.

AGAIN THE QUESTION OF RANK.

G. O.:

Headquarters, Albany, June 16, 1814.

It having been represented to the Council of Appointment that by the appointment of Major John Dill to the command of the Twenty-eighth Regiment of Infantry of the State of New York, the rank and rights of Major John Jansen of said Regiment were violated; the Commander in Chief, with the advice and request of the Council of Appointment, hereby organizes a board of Officers to inquire into and report the relative rank and right to promotion in said Regiment of the said John Dill and John Jansen on the second day of March last past. Brigadier General Reuben Hopkins will be the President of the board, will give notice to the parties interested and to the members of the board of the time and place of meeting and will report the facts and the opinion of the board thereon to the Commander in Chief without delay.

Brigadier General Wyckham and Major Wescott of the Cavalry, Lieutenant Colonel Abraham J. Hardenburgh of the Infantry, and Lieutenant Colonel Selah Strong of the Artillery, are detailed as members of the said board.

The President is authorized to appoint the time and place of the meeting of the board and to nominate and notify two supernumerary members, either of the Artillery, Cavalry or Infantry of Orange County, to supply vacancies in case of the non-attendance of any of the members named in this Order, which supernumeraries are hereby required to obey the orders of Genl. Hopkins in that respect.

By order of the Commander in Chief:

Sol V'n Rensselaer, Adjt. General.

G. O.: Headquarters, Albany, June 16th, 1814.

Lieutenant John S. Robinson of the City of New York, formerly belonging to a company (whereof John Cooke was Captain) in the third Regiment of Artillery, presented a memorial to the Commander in Chief and the Council of Appointment at their last meeting, complaining of a violation of his rank in said Regiment, by certain brevet and other appointments therein; and it appearing to the Commander in Chief and the Council of Appointment that in Investigation by a Court of Inquiry of the circumstances upon which the said complaint is founded should take place and that an official report and opinion of the said Court relative to the rank and pretensions of the said John S. Robinson in the said Regiment of Artillery, should be presented to them to enable them to decide in the premises;

The Commander in Chief hereby organizes a Court of Inquiry for that purpose, to consist of Brigadier General Jonas Mapes, President, and of Lieut. Colonels Jasper Ward and William W. Todd, and Major John Coffin of the Infantry, Majors William B. Crosby and Daniel E. Dunscomb and Capt'n James B. Murray of the Artillery. The President of the Court will appoint the time and place of the meeting of the said Court, will notify the mem-

bers of the Court and Lieutenant Robinson thereof, will designate and notify two supernumerary members to attend to fill any vacancy or vacancies which may happen by the non-attendance of any of the members named in the order, and will with all convenient speed report the facts and opinion of the Court to the Commander in Chief:

By order of the Commander in Chief:

Sol. V'n Rensselaer, Adj. Genl.

LIEUT. COL. WILLIAM PAULDING, JR., RESUMES COMMAND OF HIS
REGIMENT.

G. O: Headquarters, New York, July 9th, 1814.

The General Order of the 27th day of April, 1812, is so far revoked and modified as to permit Lieut. Col. William Paulding Jun'r, to resume the command of the Ninety-seventh Regiment of Infantry, and he is hereby authorized to resume the command thereof accordingly, giving five days notice thereof to the commandant of the Tenth Brigade of Infantry.

By order of the Commander in Chief:

Robt. Hunter, Aid-De-Camp, P. T.

NEW YORK THREATENED.

THE GOVERNOR CALLS FOR VOLUNTEERS TO PROTECT A STEAM
FRIGATE IN PROCESS OF CONSTRUCTION.

New York, July 14th, 1814.

Sir: You are hereby required to detach from your Brigade and Station at the site for building the steam frigate,* one sergeant,

* The steam frigate alluded to in the above dispatch was the "Demologos" which was designed by Robert Fulton on the plan of a floating battery that he submitted to Congress. This vessel, the first steam man-of-war ever constructed, was launched October 29, 1814. Her dimensions were: Length, 145 feet; width, 55 feet; her armament consisted of 32 carronades and two 100-pound Columbiads. The "Demologos" was never formally put in commission. She blew up in 1829. It is a curious coincidence worthy of notice here, that on the banks of the Hudson were constructed two types of vessels that were to revolutionize the fighting power of the navy of their day—the "Demologos" in 1814 and the "Monitor" of John Ericsson in 1862.

one corporal, and twelve privates. It is to be hoped Volunteers can be procured for this service.

The apprehension of attack and invasion of that particular point, at this juncture, creates an emergency in which I think it proper to exercise the authority vested in me by the Militia law. I rely upon your known promptitude and patriotism for an immediate compliance with this requisition.

I am, Sir, your Obt. S't.,

Daniel D. Tompkins.

Brig. General Gerard Steddiford.

LIEUT. ROBISON PREFERS FINANCE TO WAR.

G. O.: Headquarters, Albany, July 18, 1814.

Brigadier General Mapes, President of a Court of Inquiry instituted by General Orders of the 16th June last for the purpose of enquiring into the rank of Lieut. John S. Robison of the Third Regiment of Artillery, having reported that on making enquiry for Lieut. Robison to serve him with the Copy of the notice to the members of the Court, he learnt that he had received an Appointment in the Newburgh Bank about Six Weeks since and had removed to that place with the view of residing there permanently, upon which representation the Commander in Chief thinks proper to dissolve the said Court, and the same is hereby dissolved accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

GOVERNOR TOMPKINS' SWEEPING ORDER*

DIRECTS THAT ALL THE MILITIA IN THE STATE BE PREPARED FOR
INSTANT SERVICE AND READY TO MARCH AT A MOMENT'S WARN-
ING TO ANY PART OF THE STATE THAT MAY BE ATTACKED.

G. O.: Headquarters, Albany, July 20th, 1814.

In compliance with a requisition made by the President, pursuant to the laws of the United States, the Commander in Chief of the State of N. Y. directs that thirteen thousand five hundred of the Militia of the State of New York be detached, organized, equipped and held in readiness for actual service.

The first Brigade of Artillery, the third and tenth Brigades of Infantry, and the uniform companies of Artillery, Light Infantry, Grenadiers and Riflemen of West Chester, Rockland, Orange, Putnam and Dutchess Counties, will form the first Division.

The Artillery of Rockland, Orange, Dutchess and Putnam will be formed into a Battalion, of which Major Samuel Slee of Poughkeepsie, will be commandant. The second Major of the Battalion will be assigned by the Commandant of the Tenth Regiment of Artillery. This Battalion will be attached to the first Brigade of Artillery.

The Light Infantry companies of the before mentioned Counties will be formed into one Battalion, and the Rifle companies into another Battalion, and those two battalions into one Regiment.

The first Brigade of Horse Artillery, and the Fifteenth, Twenty-second, Twenty-ninth and Thirty-third Brigades of Infantry will likewise be prepared and equipped for immediate service, under the respective officers now commanding them.

The second and third Divisions of the requisition are to be detached and organized as specified in the annexed detail.

The Commander in Chief directs that all the residue of the Mili-

* This order of the governor's was consequent of the receipt of the news of the battle of Chippawa. The following extracts from the Adjutant-General's Office, show the loss sustained by the Left Division of the United States' Army, commanded by Maj. Gen. Jacob Brown, from the 2d day of July, 1814, (the opening of the campaign on the Niagara frontier,) to the 17th of September, the day of the sortie from Fort Erie, Upper Canada, which terminated the siege of the American army:

	KILLED						WOUNDED						RANK & FILE		Aggregate killed	Agg'te. wounded	Total kill'd & w'd	Missing & pris'rs.	Grand Total	
	B. General	Colonel	Lt. Colonel	Majors	Captains	Subalterns	B. General	Colonel	Lt. Colonel	Majors	Captains	Subalterns	Killed	Wounded						
Battle of Chippawa, 5th July, 1814.								1			3	5	60	240	60	249	309	*19	328	* Of this number 17 were militia and two of the 19th infantry with the militia command.
Battle of Niagara, 25th July.				1				1	1	4	7	38	160	517	172	570	742	117	859	*One Major-General.
First battle of Erie, one o'clock A. M.																				
15th August, 1814.					1	1					1	5	15	50	17	56	73	11	84	
Second battle of Erie, 12 o'clock A. M.		1	1		4	4	1		1	1	4	16	70	189	81	212	298	*216	509	* Of this number 173 were of the militia.
17th September, 1814.																				
Loss during the siege by cannonade and occasional sorties.		1	1	2	2	13	3			1	1	9	96	236	102	247	349	*181	530	* Of this number 142 were deserters.
Grand Total.	1	1	2	2	13	13	3	2	2	6	16	73	401	1232	432	1334	2065	544	2310	

NOTE — The siege lasted 46 days, from August 2d to the 17th September — the enemy's batteries, however, did not open upon our camp until the morning of the 13th, and but little execution was done after the 6th of September. The average loss per day during *the whole* of the siege was seven and a half: *at different periods* it amounted to twenty and twenty-three per day.

tia of the State of New York be likewise kept in complete order for service and ready to march at a moment's warning, to any part of the State, which may be attacked or in immediate danger of being attacked; and enjoins it upon all officers to cause their Corps to be immediately and thoroughly inspected and the penalties for deficiencies of equipment to be rigidly enforced. Brigade and Division Inspectors are charged to be attentive to the execution of this Order.

The services of the first and second Divisions and of the uniform Corps in the Counties of Ulster, Delaware, Greene, Rensselaer, Albany, Schenectady, and Dutchess, which shall tender their services on this occasion, will be required at New York and its vicinity.

Volunteers for this detachment are to be accepted by Commandants of Regiments, Brigades or Divisions and reported to the Adjutant General immediately.

The Commander in Chief invites the Uniform Corps, throughout the State, to exhibit at this time the same military pride and patriotic ardor which many of them have displayed on former occasions. The crisis demands united exertions and the Commander in Chief is persuaded that the promptitude, bravery and patriotism of the Militia generally, will be proportioned to the emergencies to which the State of New York may be subjected.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj. Genl.

IN SPITE OF THE CRITICAL CONDITION OF AFFAIRS, OFFICERS FOUND
TIME TO QUIBBLE OVER RANK.

G. O.: Headquarters, Albany, July 29th, 1814.

In consequence of a representation that a controversy exists between Captains Thomas Carson and John R. Williams of the

Eighty-ninth Regiment of Infantry, relative to their respective rank in said Regiment, and of an application of one of the parties concerned for the appointment of a board of officers to examine to and finally settle and determine the relative rank of the said officers; Lieutenant Col. Guert Van Schoonhoven and Major Samuel Stewart of the One hundred and forty-fourth Regiment of Infantry, Major Robert Elliot, Brigade Inspector, and Major Lloyd, Brigade Quartermaster of the Thirty-first Brigade of Infantry, Major John Brees, Quartermaster of the second Brigade of Cavalry, and Lieut't Colonel John Townsend and Major Isaac Lucas of the Artillery, will form the said board.

The board will meet at the house of Mrs. Haskins in Washington Street in the City of Albany, on Tuesday the ninth day of August now next at eleven O'Clock in the forenoon. Lt. Col. Van Schoonhoven, the President of the board, will cause notice to be given to the members of the Court and to the parties concerned of the time and place of meeting, and will likewise report to the Commander in Chief without delay, the facts and the opinion of the board thereon.

By order of the Commander in Chief:

Sol Van Rensselaer, Adj't. Genl.

REINFORCEMENTS ORDERED TO SAG HARBOR.

G. O.: Headquarters, New York, Aug't 2d, 1814.

In pursuance of a requisition for that purpose by the commanding Officer of the 3d Military District of the United States, Brigadier General Rose of Suffolk County, is hereby required to detach, organize and station at Sagg Harbour, forthwith, one full company of Militia to consist of one Captain, two Lieutenants, two Ensigns, five sergeants, six corporals, two Musicians, and Ninety

privates. They will be subject to the orders of the commanding Officer of that port, and are called out for 3 months, pursuant to the act of Congress passed 28th February, 1795, but will be liable, if in the opinion of the President of the United States the public interests require it, to serve for six months, pursuant to the act of Congress passed 18th of April, 1814.

Brigadier General Jeremiah Johnson will likewise detach from that part of his brigade which is in Queens County and organize one other company to be composed and liable as above and order them to Sagg Harbour without delay.

General Rose will Officer the detachment from his brigade either by a selection from those already in service at Sagg Harbour, or with other officers as in his discretion the public interests may require.

By order of the Commander in Chief:

R. Macomb, Aid-De-Camp.

THE GENERAL GOVERNMENT MAKES A REQUISITION
FOR 3,000 TROOPS FOR THE PROTECTION OF THE ATLANTIC COAST
LINE. GOV. TOMPKINS PROMPTLY COMPLIES AND FURNISHES A
REGIMENT ADDITIONAL.

G. O.: Headquarters, New York, August 4th, 1814.

The Commander in Chief, having received a requisition made by the President, to call into the service of the United States immediately, a portion of the Militia of this State to consist of 3,000 men for the defence of the Atlantic frontier of this State, and conceiving that the emergency requires him, pursuant to the power vested in him by the Militia law of this State, to call into State service for the defence of the same frontier one regiment in

addition to the aforesaid requisition, directs that the following corps be immediately organized and ordered into actual service:

The detached Brigade to the command whereof brigadier General Heermance is assigned, consisting of two Regiments, the first whereof is to be formed by 540 men, including company officers, to be detached from the Nineteenth Brigade of Infantry, exclusive of the uniform companies of the brigade; and 540 men exclusive of uniform corps from the Thirtieth Brigade of Infantry, which regiment is to be commanded by Lieut. Cols. Isaac Belknap, Ju'r, and Abraham Van Wyck; and the second of which Regiments is to be commanded by Lieut. Cols. A. Delamater and A. Wheeler, and to consist of 648 men from the Twentieth Brigade of Infantry and of 432 from the thirty-fourth brigade of Infantry, exclusive of Uniform companies.

One Regiment to be commanded by Lieut. Cols. John T. Van Dalfsen, Daniel Warner and a Lieutenant Colonel to be assigned by Major General Perlee from the Twenty-third Brigade of Infantry, which Regiment will consist of three Battalions, detached as follows: from the Twelfth Brigade of Infantry, 540 men; from the Twenty-third Brigade of Infantry, 432 men; and from the Thirty-seventh Brigade of Infantry, 540 men. All the before mentioned corps will rendezvous by battalions on the 18th day of Aug't. instant at 10 O'Clock in the forenoon, or in corps of no less than one full company, at such place or places as the commandant of the brigade from which the battalion may be detached shall direct.

The Battalion of artillery to be composed of the companies of artillery in the Counties of Rockland, Orange, Putnam and Dutchess, will also rendezvous on the 18th day of August instant; that part of the battalion which is in Dutchess and Putnam

Counties at such place or places as Lieut. Colonel Nathan Myers may direct; and that part in Orange and Rockland at such place or places as Lieut. Col. Selah Strong shall prescribe.

One full company of the second Regiment of Riflemen will rendezvous at the Capitol in the City of Albany on Thursday, the 18th day of August instant, at ten O'Clock in the forenoon; and should a greater number than one company of said Regiment Volunteer their services, the whole will rendezvous on the day and at the hour before mentioned at such place or places as Lieut. Col. S. M. Lockwood shall direct, who will in person take command of them if the number shall amount to three full companies.

The commandants of such uniform corps in the counties of Delaware, Greene, Rensselaer, Albany, Schenectady, and Ulster, as may volunteer their services for the defence of the City of New York and its vicinity, will report to the Commander in Chief immediately.

The Light Infantry and Rifle companies of Rockland, Orange, Dutchess, and Putnam counties, organized into a detached regiment on the 20th of July last, will rendezvous on the 18th of August instant, at the hour aforesaid as follows: In Westchester County at such places as Lieut. Col. Jonathan Varian may designate, and in the other Counties at such place or places as the commandants of the respective brigades to which they belong shall direct.

The commandants of Artillery Companies will take with them to the places of rendezvous the field pieces and equipments attached to their respective companies.

All the artillery, light Infantry and Riflemen must appear at rendezvous with complete Uniform, and the light Infantry, rifle-

men and infantry must appear equipped with a musket and bayonet or a rifle with a cartridge-box or rifle pouch, and with a knapsack, blanket and canteen, and they are advised to provide themselves with a frock and trousers for fatigue dress to preserve their uniform. Members of Uniform companies ordered into service in 1813, under Brigadier General Hopkins who shall have faithfully served and been honorably discharged during or at the end of the tour of duty of General Hopkins' Brigade, and also all the members of Uniform companies who served faithfully in person or by substitute on Staten Island in 1812, may be discharged by the commandants of the respective rendezvous at which they may assemble; but such commandants are cautioned to be particular in the exercise of this discretion.

The principal and not the substitute will have the benefit of former service, and the commandants of the companies heretofore on duty are required to detach and have at the proper rendezvous by the 18th Inst every member of the company who did not actually serve in person or by substitute in 1812 or 1813.

Three thousand of the troops included in this order will rendezvous under and pursuant to the act of Congress passed 28th Feby. 1795, and the acts supplementary and in addition thereto. The original act prescribes three months from the time of arrival at the place of rendezvous as the period of service, and the act in addition thereto provides that the Militia called out into service pursuant to the act of 28th Feby. 1795, may, if in the opinion of the President of the United States the public Interest requires it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous. The residue of the troops included in this order are called out under State authority, and will be liable to serve so long as the emer-

gency which induced the call may exist, not exceeding three months.

The designation of all the troops mentioned in this order is the City of New York and its vicinity.*

The following is a sample of the spirited appeals that were made at this critical time, when New York was supposed to be threatened by an attack of the British forces: To the Spirited and Patriotic Young Men of the City of New York.

Gentlemen.—The Constitution of these United States forbids the raising or keeping under pay large bodies of troops, in time of peace, for very cogent and prudential reasons. The numerous potentates of the old world have indeed an apology for standing armies in their proximity to each other, and their consequent liability to sudden quarrels. Be the plea however what it may, it is certainly a very dangerous investment in the hands of an executive authority; it is too generally the prop and breast-work of tyrants, and the instrument of the most galling oppression. The MILITIA is impliedly our national Aegis. In time of peace, by this system, we are relieved from heavy pecuniary burdens; in war the militia should assume that efficient and formidable shape which would comport with the views and justify the expectations of our government. Our interest and our patriotism are here associated, and go hand in hand. It is a duty incumbent on every citizen of this Republic to qualify himself for its defence. The present threatening crisis more particularly demands a state of preparation. The advantages of Select Associations for military improvement, must be evident to every man of reflection, and a decorous pride ought to stimulate every citizen liable to military duty to enrol himself a member of such an association. The unmilitary conduct but too apparent in the uniformed bodies, understood and distinguished as *Militia Companies*, damps the ardour of the well-disposed privates, and disgusts those who have the misfortune to command them. The former, on this account, are too apt to fall into the general levity—the latter into an unprofitable indifference. The object of the meeting is defeated; a death-wound is given to the spirit of emulation in both officer and soldier, and the whole rendered a ridiculous farce. Hence few men, having the capacity of commanders, are found prosecuting this arduous, unpleasant, and unprofitable duty.

With these preliminary observations we shall open to you the object of this communication.

We have it in contemplation (and have flattering hopes of effecting our purpose) to raise a Company (a Battalion, or Regiment, should such be our success) of volunteer Infantry, differing materially from other independent military bodies, in the economy of dress, &c. A cheap, neat, and becoming uniform is fixed upon, calculated rather to give a soldierly appearance than to attract and please the eye of childhood—It is simply as follows:

A blue broad-cloth roundabout, narrow rolling collar, single breasted, buttoned in front with bell buttons, a row each side extending to the top of the shoulder, with one on each side the collar—will cost about	\$15 00
Beaver of a straight crown, about nine inches high, helmet front, diminishing gradually towards the back, leaving there only half an inch brim; a waving red plume, the staff of which supported by a stripe of broad gold lace, running from the base or rim of the hat, and forming a cockade near the top, with a narrow band of lace—will cost, at the extent, not more than	10 00
Cartouch box covered with red morocco, secured round the waist by a belt of the same, to which the bayonet scabbard will be affixed—will cost	5 00
Aggregate	\$30 00

The discretion vested in commandants of detached companies to receive substitutes at the rendezvous, requires them not to receive substitutes in the Artillery, rifle corps or light Infantry, unless such substitute be completely uniformed and equipped for the corps in which he is offered as a substitute; nor in the infantry unless the substitute be amply supplied with clothing for 3 months' service, and equipped with a musket and bayonet, rifle, cartridge-box or pouch, and with a knapsack, blanket and canteen; and the commandants of companies are expressly forbid receiving substitutes upon any other terms.

Militia Officers are again reminded that the certificates of surgeons are not to be received as conclusive evidence of inability to serve, but that commandants are bound to enquire into the grounds of such discharge and to decide upon all the information and evidence they can obtain. And if any Commandant of Regi-

Yellow nankeen pantaloons, black handkerchief, boots, together with a musket, completes the dress and equipment.

By this it will be seen, that the only supernumerary articles of equipment, over and above what is required of the militia, is the hat, jacket and cartouch box; making the actual extra expense but about thirty dollars, upon a liberal calculation.

It has been suggested, however, that a jacket of an inferior quality of cloth will answer every purpose; a pattern of such a one will be exhibited in a day or two, the cost of which will be eight dollars, and will be delivered on the deposit of two dollars advance, and security given for the payment of the remaining six at a reasonable period. The whole can be furnished cheaper than the rates above stated, which is a calculation for articles of a superior quality. The Hat may be procured for 5 or 6 dollars; the cartouch-boxes, if a number are engaged and made by one person, will cost but three dollars. At this rate the dress will not exceed \$17. The voice of the Company shall be necessary to make any future regulations (if any should be made) in dress, &c. Directions will be immediately given, after the necessary arrangements are made, for such parts of the uniform as may be required, and the most firm reliance may be placed in the prudence, economy, integrity and taste of the projector.

Should the plan meet with your approbation, and you have a desire of becoming members of such an association, we shall be gratified in seeing your names attached to the Roll, which is in the hands of Mr. George Asbridge, at No. 9 William, corner of Beaver-street.

We are, Gentlemen, with much respect,

Your friends and humble serv'ts,

Isaac Merrick,
David Ludlow,
Stephen Keen,

John M. Elliott.
Geo. Lovejoy,
S. B. Brega.

New York, August, 1814.

ment, Battalion or other Militia Officer be notified that certificates are given by surgeons, for reward or without due examination and upon slight grounds, and shall not report such surgeons for trial and punishment, the Officer so neglecting will be reported to the Council of Appointment for dismissal.

All officers concerned in the execution of this order are required to use their utmost exertions to carry it into prompt and complete effect and are strictly charged to represent to the Commander in Chief every other Officer under their respective commands who may be negligent, evasive or disobedient in the discharge of his duty.

By order of the Commander in Chief:

Robert Macomb, Aid-De-Camp.

THE BRUSH-BLOOM CONTROVERSY SETTLED.

G. O.: Headquarters, Albany, Aug't 11, 1814.

Brigadier General Leonard Smith, president of a board of Officers appointed by a General Order of the twenty-third day of March last to settle rank between Majors John Brush and George Bloom, having reported a state of facts and the opinion of the board thereon, that Major John Brush has the priority of rank, the said report is confirmed and the board dissolved with the thanks of the Commander in Chief for the prompt attention to and regular discharge of the duties assigned to them.

By order of the Commander in Chief:

Sol'n Van Rensselaer, Adjutant General.

ARTILLERY PREFERRED.

G. O.: Headquarters, Albany, Aug. 12, 1814.

The Commander in Chief directs, that if any person belonging to the infantry called into service by the general order of the 4th

instant, shall enter, completely equip, rendezvous and be mustered in any uniform company of artillery, Light infantry or riflemen of said detachment, his services in such company shall be accepted instead of service in the infantry; and being so mustered, he shall, upon the certificate of the commandant of such uniform company, be discharged from the infantry company by its commandant, who will make an entry thereof on the muster roll of the company.

The muster rolls of the troops which actually served with Genl. Hopkins in 1813, may be examined at the office of Samuel Edmonds Esquire, Paymaster General of the Militia of the State of New York, at Mr. Higham's, corner of South-Market and Lydius Streets, Albany. An official certificate of Mr. Edmunds or of his clerk, will, of course, be received as evidence of the service of all those who were with Genl. Hopkins and who may not have received individual discharges from that service.

The Brigade and other inspectors who may inspect and muster any part of the detachment, will make and duly certify three copies of the inspection returns and muster rolls according to the provisions of the 11th section of the act of Congress passed April 18th, 1814. The Adjutant General will forthwith furnish Brigadier Generals Samuel Haight and Martin Heermance with blank muster rolls and inspection returns for the purpose.

The following regimental staff having been selected by Lieutenant Colonel Delamater for the regiment commanded by him, are assigned to that regiment and are to be respected and obeyed in their respective offices accordingly, vizt: Daniel S. Griswold, Adjutant; John Davis, Quartermaster; John P. Cox, Paymaster, Gamaliel Wheeler, Surgeon; David D. De Lamater, Surgeon's Mate.

The Senior Lieutenant Colonels of detached Regiments who have neglected to make return to the Adjutant General, of the Regimental Staff selected and assigned by them, pursuant to the General order of July 20th, are required to perform that duty immediately.

By order of the Commander in Chief:

Sol Van Rensselaer, Adjt. General.

PROVIDING TRANSPORTATION AND FOOD FOR THE THREE THOUSAND.

Adjutant General's Office, Albany, Aug't 14, 1814.

On the arrival of the several detachments of militia ordered into service on the 4th instant, at their respective places of rendezvous, the commanding officers will report themselves and their corps to the commandant of the third Military District of the United States, or at the Headquarters of the Commander in Chief of this State in the City Hall. No officer will be suffered to continue in the detachment unless he be completely uniformed and equipped according to law.

The commanding officer at each rendezvous will procure water conveyance to New York for his troops, upon the most reasonable and economical terms; and should the Contractor fail to supply rations in season at the proper places, the commanding officer of the rendezvous will procure them at the contract price. Duplicate receipts must be taken for all expenditures and no expenses are to be incurred in expectation of reimbursement except such are provided for by existing laws.

By order of the Commander in Chief:

Sol Van Rensselaer, Adjt. Genl.

THE TROOPS TO BE INSPECTED.

G. O.: Headquarters, New York, August 27th, 1814.

The detached division, consisting of the first brigade of Artillery and the third and tenth brigades of Infantry, will parade by brigade on Tuesday next, at an hour and at places of rendezvous to be appointed by Maj. Gen. Stevens, and will then be formed into a division and be inspected and manoeuvred by the Maj. Gen. Every soldier is required to appear completely equipped according to law.

The inspectors will be particularly careful to ascertain the quality and quantity of equipments, and will immediately report an inspection return to the Commander in Chief. It is recommended to the brigadiers, forthwith to consolidate and organize their respective brigades for actual service; to assign the officers who are to take the field; to cause notice to be given to every individual of that organization, of his place of rendezvous, in case of sudden alarm, and of the officer whom he is to respect and obey on his arrival there. When they are thus organized and notified, it is recommended that the officers assigned to command assemble at least three times a week for improvement, and that times and places be designated for the non-commissioned officers and privates to meet for the same purpose, and that competent and confidential persons be employed to instruct them in discipline.

The Commander in Chief has repeatedly urged upon the Militia to equip themselves with a musket, &c., as is enjoined upon them by the constitution and laws. He trusts the emergency which threatens us cannot fail to awaken to this important duty the immediate attention of every patriotic citizen who has hitherto neglected it.

It is recommended to the associations of exempts, organized in the City of New York, to attend to improvement in discipline as often as possible.

Any of these corps or other associations of patriotic citizens, who may wish to parade and be inspected with the division on Tuesday, will report themselves to Gen. Stevens, and he is directed to assign them a station and have them inspected.

The Commander in Chief cannot omit this opportunity of exhorting the Militia and his fellow citizens of the southern district generally, to arm themselves and to turn their attention immediately and ardently to military instruction and discipline; and he renews the injunction upon the commandants of the Militia of Rockland, Westchester, Kings, Queens, Richmond and Suffolk counties to hold their corps equipped, and in readiness to take the field at a moment's warning.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

GENERAL STEVENS' DIVISION PUT INTO SERVICE.

AND ORDERED TO THE DEFENCE OF NEW YORK CITY AND HARBOR.

G. O.: Headquarters, New York, August 29th, 1814.

The Division of Major-General Stevens,* detached and organized by General Orders of the 20th July last, and the Twenty-

* General Ebenezer Stevens was one of the most distinguished artillerists the war produced. He was one of the few officers, high in command, who witnessed the surrender of Burgoyne in October, 1777, and of Cornwallis in October, 1782. He was a born artillerist. During the Yorktown campaign he was in command of an Artillery Regiment and the day the British evacuated New York city, November 25, 1783, Stevens rode at the head of the Artillery of the American Army. He received the thanks of Congress for the meritorious services he rendered the American cause during the years 1776-1777.

After the surrender of Burgoyne, Stevens was placed in command of the defences of the Hudson River, and it was due to his ingenuity that the great chain was stretched across the river at West Point. He early foresaw the great future of New York and was one of the first officers to realize its defenceless condition. In 1798, the Chamber of Commerce of New York, fully alive to the dangers of their city in the event of a

second brigade of Infantry, are ordered, pursuant to a requisition for that purpose, into immediate active service, for the defence of the City and Harbour of New York. General Stevens' division and the twenty-second brigade of Infantry will rendezvous on Friday next, the second day of September, at eight o'clock in the morning, at such place or places as Major General Stevens may assign. Upon the arrival of the troops at the place of rendezvous they will be reported to the commanding officer of the third military District.

All corps of Exempts, enlisted volunteers, corps of sea fencibles and other associations of citizens who are disposed at this moment of danger to offer their services in defence of the country, are earnestly requested to report themselves and repair to the field as soon as they have formed themselves into companies.

The twenty-ninth brigade of Infantry will assemble as such place as Brigadier General Van Orden may appoint, on Saturday the 3rd of September next, at nine o'clock in the forenoon, where it will be consolidated into one regiment, and the field and staff assigned by the brigadier general. The troops will then proceed immediately to New York, by water or land, as General Van Orden may direct, who will also have means of transportation provided immediately.

foreign war, dispatched him as their representative to the Congress, then in session in Philadelphia, with a petition for an appropriation to strengthen the fortifications around New York. He superintended the construction of the fortifications on Governors Island in 1800.

Up to the time war between the United States and Great Britain was declared, in 1812, he had been continuously in the militia service of New York State, as colonel, brigadier and major-general. He continued to be the senior Major-General of artillery until peace was restored in 1815. Gen. Stevens appears conspicuously in both of Trumbull's great paintings, the Surrender of Burgoyne and the Surrender of Cornwallis.

Gen. Stevens was born in Boston in 1752. He was one of the young men, who disguised as Indians, emptied the three hundred and forty-two chests of tea into Boston harbor from the three English ships, Darmouth, Eleanor and Beaver, in December, 1773. During the last years of his life he amassed a large fortune as a merchant of New York, where he died September 2, 1823. He was one of the founders of the Tammany Society.

STATE HISTORIAN.

The detached regiments commanded by Lieut. Col. A. Vischer and Davis will rendezvous on Monday the 5th of September, at Albany and Troy, at ten o'clock in the forenoon, and being there consolidated into battalions by the respective brigadier generals, will repair forthwith to New York.

Brigadier General Farrington of Delaware county will immediately send one full regiment from his brigade to New York and will organize the companies with one captain, two lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates to each, and the regiment with four field officers and the usual staff.

Brigadier General Jacob Odell will organize one full company or troop of Horse Artillery from the first regiment of his brigade, and one full company or troop from the second regiment; Brigadier General George D. Wickham will organize and send to New York immediately two full troops of cavalry of his brigade, with one major to be selected by him.

The troops of Horse Artillery and Cavalry will form one squadron to be commanded by Lieut. Col. James Warner.

The commandant of the Militia of Saratoga county will order one full battalion of Militia from his brigade to repair to New York, without a moment's delay. The brigadier general will not wait for a draft or detachment, but will order a regiment en masse to be consolidated into a battalion, if necessary, with one Lieut. Colonel, one major, and one adjutant for field and staff.

One full battalion will be ordered in like manner, from each of the following brigades of infantry, viz: the twelfth, nineteenth, twentieth, twenty-third, thirtieth, thirty-first, thirty-fourth and thirty-seventh, to be ordered out en masse and organized and to march immediately.

The Artillery, light-infantry and grenadier companies of the counties of Albany, Schenectady, Ulster, Sullivan, Rensselaer, Columbia, Dutchess and Delaware counties, with so many of their officers as may be in proportion to the number of men in each, will immediately assemble and repair to New York and report themselves to the commanding officer of the third military district.

The commandants of artillery will take with them their field pieces and equipments, and will provide transportation for their men upon the most economical terms. Every officer and man embraced in this order is to provide himself with at least four days' provisions, ready cooked, and will be authorized to draw back rations, in consideration thereof on his arrival at New York. The personal equipments of a soldier are, a musket and bayonet or rifle, cartridge-box and bayonet belt, knapsack, blanket, canteen, and twenty-four rounds of ammunition.

The crisis has arrived when the culpable remissness which has hitherto prevailed among militia officers, in respect to deficiencies of equipments among their men, is seriously felt; all indulgence in this point must henceforth cease; it has always been pernicious, but now becomes criminal. Every officer and soldier, therefore, is enjoined strictly to comply with the requisitions of the law in this respect, and is assured that all delinquencies hereafter will be rigidly noticed and severely punished.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

THE GOVERNOR'S ENERGETIC MEASURES.

HE MAKES AN APPEAL FOR VOLUNTEERS FOR A REGULAR BODY OF
TROOPS FOR THE DEFENCE OF NEW YORK.

New York, August 29th, 1814.

The Commander in Chief is desirous of organizing a regular corps of troops of one or two thousand men, including officers, for three months' service, and to be continued, if sanctioned by the Legislature, for 12 months, or during the war. He will allow the same pay to the officers as is allowed to the officers of the Army, and an addition of two dollars p'r month to non-commissioned officers, musicians and privates in lieu of bounty and clothing, with such other encouragements as the Legislature will be pleased to grant. The organization of companies, Regiments and of the Brigades will be according to United States regulation, and their uniform, which will be provided by themselves, plain and cheap.

The Commander in Chief will commission officers upon the Corps being enlisted. Their services will be confined for the present to the defence of the Seaboard of the State of New York, and they will be subject to the orders of the Commander in Chief of this State until Legislative provision may be made.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

AND CALLS FOR VOLUNTEERS TO ORGANIZE A BATTALION OF SEA
FENCIBLES.

G. O.: Headquarters, New York, 29th August, 1814.

The Commander in Chief will organize a battalion of sea fencibles upon the plan of organization prescribed by the Act of Con-

gress relative to that Corps, to act, either by sea or land, in defence of the City and Harbour of New York and its vicinity.

Captains, Mates and Mariners generally are invited to form such Corps immediately. The officers will be commissioned as soon as Companies may be enlisted.

By order of the Commander in Chief:

Anthony Lamb, A-d-C.

ORDNANCE SUPPLIES SO SCARCE THAT THE GOVERNOR MAKES APPEAL
TO CITIZENS FOR THEIR PERSONAL ARMS.

G. O.: Headquarters New York, 29th August, 1814.

The Commander in Chief, having been informed that several Inhabitants of this City are possessed of cannon, muskets, broad-swords, pistols and other military articles which are not wanted for their own private use, and which will be of service to the public in case of invasion, requests that every Inhabitant having articles of that description in his possession will report them to the Commissary of Military Stores at the State Arsenal, where such of them as may be fit for use will be received and paid for.

By order of the Commander in Chief:

Anthony Lamb, A. D. C.

WASHINGTON IRVING AS A WARRIOR.

THE FIRST ORDER HE ISSUES IS IN FAVOR OF CHAPLAIN WESTBROOK.

G. O.: Headquarters, New York, August 30th, 1814.

The Reverend Mr. Westbrook having been selected by Brigadier General Heermance for Chaplain of his Brigade of Detached Militia, is hereby assigned and brevetted accordingly, and the Commandants of Regiments of that Detachment are to dispense with the appointment of Regimental Chaplains.

By order of the Commander in Chief:

Washington Irving, Aid-De-Camp.

GENERAL STEVENS' COMMAND COMPLIMENTED.

G. O.: Headquarters, New York, 2d Sep'r, 1814.

The Commander in Chief has witnessed with high satisfaction the alacrity with which the division under the command of Major Genl. Stevens has entered into actual service. The equipment and soldierlike appearance of the troops, and the large number of Volunteers that has joined the Division give honorable testimony of the military and patriotic spirit, which at this interesting crisis animates all ranks and conditions. It is such generous zeal, such unanimity of feeling and action that constitutes the real strength of a free community.

The Division being now transferred to the command of Major General Lewis for a term of service, the Commander in Chief while he expresses the pride he feels in being able to* the national demand so fine and formidable a body of men, exhorts them to persevere in the punctual performance of their duties as citizens and soldiers; to exert themselves to the utmost to deserve the approbation of their present commandant, and never for a moment to forget, that to their courage and good conduct are confided the safety of their firesides, the protection of their families, the welfare and reputation of their city, and the honor of the nation.

By order of the Commander in Chief:

Washington Irving, Aid-De-Camp.

QUARTERMASTERS PUT UNDER BONDS.

G. O.: Headquarters, New York, 8th Sept., 1814.

The Division of Quartermasters of the Militia ordered into service in the 3d Military District are severally required to execute

*A word or words missing.

bonds to the United States with satisfactory sureties in the penalty of \$15,000 each. The Brigade Quartermasters and Assistant Dep. Quartermaster Generals will execute bonds with sureties in the penalty of 10,000 Dollars each, and Regimental Quartermasters will execute bonds with sureties in the penalty of 5,000 Dollars each, the sureties to be approved by the Quartermaster General of the District. The Regimental Paymasters will execute bonds with such sureties and in such penalties as Samuel Edmunds Esquire, Principal Paymaster of Militia, shall approve and direct. The Militia Quartermasters of every grade in this district are required to report themselves immediately to the Quartermaster General of the District and will make no contracts, payments or requisitions otherwise than through the head of the Department. The paymasters will report themselves to Mr. Edmunds at Tammany Hall and will act under his orders.

By order of the Commander in Chief:

Washington Irving, Aid-de-Camp.

RENSSELAER COUNTY VOLUNTEERS ORDERED TO THE DEFENCE OF THE
NORTHERN FRONTIER.

Albany, Sept. 10th, 1814.

James H. Price and others of Rensselaer County, having volunteered their services to the United States as a company for actual service, the services are accordingly accepted, and the Company ordered into service for the defence of the Northern frontier under the Command of Brigadier General Gilbert Eddy. The officers assigned to the Company are James H. Price Captain, Henry McCarty 1st Lieutenant, David Wilson, 2nd Lieut., and Benjamin H. Leake, Ensign. It must be understood that the company is not to draw from other Officers persons already or-

dered into service; and that no more officers will be received in service than shall be in proportion to the number of men.

By order of the Commander in Chief:

Anthony Lamb, Aid-De-Camp.

CAPT. CARSON RANKS CAPT. WILLIAMS.

G. O.: Headquarters, Albany, Sept. 10th, 1814.

Lieut. Col. Van Schoonhoven, president of a board of Officers, organized by a General Order bearing date the 29th day of July last to determine the relative rank of Captains Thomas Carson and John R. Williams of the Eighty-ninth Regiment of Infantry, having performed the duty assigned them and reported that Capt. Thomas Carson holds and is entitled to rank therein prior and superior to Capt. John R. Williams, the said report is approved and confirmed and the board of Officers dissolved with the thanks of the Commander in Chief for their services.

By order:

Anthony Lamb, Aid-De-Camp.

GEN. MAPES' STATEN ISLAND TROOPS ORDERED TO THE NARROWS.

New York, September 8th, 1814.

Sir: You are requested to call into service, on Monday or Tuesday next, that part of your Brigade which is on Staten Island. There are quarters and tents at the State Works at the Narrows for nearly seven hundred and fifty Men, in addition to the force now stationed there.

There are also quarters at the Quarantine and in two public Stores (which Mr. Gelston consents should be occupied for the purpose), for 400 or 500 Men. I presume, therefore, Genl. Lewis, upon application to him, will order the Staten Island Battalion

to encamp in tents at the Narrows or remove those tents to red-bank in Prince's bay and encamp them there, or send them to the public buildings at the Quarantine ground; and I must refer you to Major Genl. Lewis for the purpose; if they are to occupy the Quarantine ground, the Quartermaster must have some repairs, and cleaning done before their arrival.

I am, respectfully,

Yours, &c.,

(Signed.) D. D. Tompkins.

Brig'r Genl. J. Mapes.

REGIMENTAL CHANGES.

G. O.: Headquarters, 15th Sept'r, 1814.

The Battalion under the command of Lieut. Col'l Smith of Orange, and that under the command of Lieut. Coll. Woodward of the same County, are organized into a Regiment, to be Commanded by Coll. Smith, with the following field and Staff: Major, Barnabas Many; ————— James Faulkner; Adjutant ————— Brewster; Quartermaster John Miller; Paymaster James Grant Junior; Surgeon Robert C. Hunter; Surgeon's Mates William H. Newkirk and Charles Douglass.

Lieut. Col. Woodward and Adjutant James Bingham will be discharged from service so soon as the consolidation shall be completed; the first, to enable him to attend the Legislature of which he is a member; and the second, on account of his being a supernumerary Officer.

Lieut. Col'l Bevier's Battalion and Lieut. Colonel Connors' of Richmond County, are likewise to form a Regiment, to be commanded by the Senior Lieut. Coll. The Regimental Staff will be assigned in a future Order. The two Regiments mentioned in this

Order and a detachment of Horse Artillery from the Richmond troop, form one Brigade to be commanded by Brigadier Genl: John Swartwout.

By order of the Commander in Chief:

Washington Irving, Aid-de-Camp.

G. O.: Headquarters, Albany, 15th Sept., 1814.

Truman Hicks is brevetted and assigned as Adjutant, Jonathan Kellogg as Quartermaster, and Burr Hendrick as Paymaster of a Regiment of detached Militia whereof John Prior is Lieut.-Colonel Commandant, and they are to be obeyed and respected accordingly.

By order of the Commander in Chief:

W. Irving, Aid-de-Camp.

SACKETT'S HARBOR REPORTED TO BE IN DANGER.

AND THE GOVERNOR PROMPTLY ORDERS REINFORCEMENTS TO ITS
SUPPORT.

G. O.: Headquarters, Albany, October 3rd, 1814.

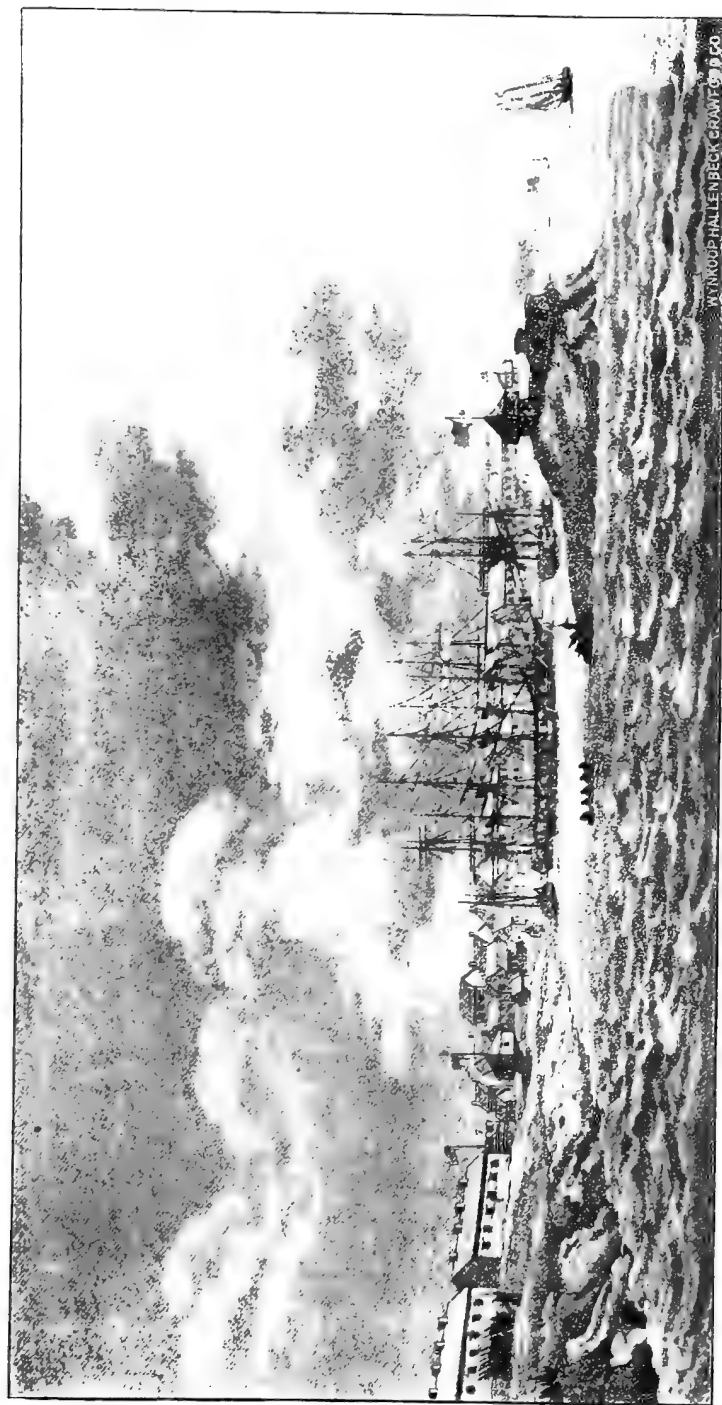
The Commanding officer at Sackett's Harbour, having declared that Post in imminent danger of invasion and attack, his Excellency, the Commander in Chief, directs the Corps of Riflemen in the County of Madison under the command of Capt'n Bennet Bicknell and Capt'n Eri Richardson, to march without delay, properly armed and equipped, to the defence of that Post, on the receipt of orders to that effect from Brig'r Gen'l Jabez Hurd.

By order of the Commander in Chief:

Washington Irving, Aid-de-Camp.

G. O.: Headquarters, Albany, October 3rd, 1814.

The Commanding officer of the troops and post of Sackett's Harbor, having declared that post and the neighboring frontier



From "The Portfolio,"

SOUTH-EAST VIEW OF SACKETT'S HARBOR.

in immediate danger of invasion, the following Brigades, or any specified parts thereof, will march without delay to such rendezvous as shall be assigned them by special orders from the commanding officer at the Harbour:

The thirteenth Brigade in the County of Oneida commanded by Brig'r Genl. Oliver Collins;

The Herkimer Brigade under the command of Brig'r Genl. James Haile;

The Brigade under the command of Brig'r Genl. Walter Martin, and the remainder of the Militia of the County of Jefferson.

The officers will be particular in having the men armed and equipped, conformably to law. Wilful delinquencies in this respect have become so frequent, they will be henceforth noticed and the legal penalties strictly enforced.

By order of the Commander in Chief:

Washington Irving, Aid-de-Camp.

G. O.: Headquarters, Albany, October 5th, 1814.

Brigadier Genl. Collins, commanding the post of Sackett's Harbour, will make such requisitions on the Deputy Quartermaster General or such purchases of Camp equipage or hollow ware as may be deemed necessary for the Militia forces actually at the Harbour, and those that may rendezvous there and in its vicinity, conformably to General Orders of the 3rd instant.

By order of the Commander in Chief:

Washington Irving, Aid-de-Camp.

G. O.: Headquarters, Albany, October 7th, 1814.

The Commanding officer at Sackett's Harbour having declared that post in imminent danger of attack, you will lose no time in assembling the forces under your command and marching them to

Watertown, where they will report themselves, either to Genl. Collins, or to such officer as he shall have appointed to receive the troops that shall arrive there. It is strictly enjoined that the men come armed and equipped according to law. Delinquencies will be noticed and the legal penalties enforced.

By order of the Commander in Chief:

Washington Irving, A-d-C.

DISPUTES OVER RANK IN THE THIRTIETH REGIMENT.

Albany, October 12th, 1814.

A Board of officers is hereby appointed to settle the rank of the officers of the Thirtieth Regiment of Infantry, and particularly to enquire and report the facts upon the relative rank of the late Adjutant, Jeffery Wisner and Capt'n Samuel Johnson, and the other Captains of the Regiment, at the time the said Jeffery Wisner was promoted to the office of the first Major of said Regiment; and also the relative rank at that time of the said Jeffery Wisner and Captain Benedict, since appointed second Major.

The board will consist of Brigadier General James W. Wilkin, President; and Lieutenant Colonel Abraham Vail, Major David M. Wescott, Captain Hezekiah Moffatt and Capt'n Hezekiah Watkins, members. The board will meet at such time and place as the President shall appoint, and the President will notify Majors Wisner and Benedict, and Capt'n Johnson of the time and place of meeting, and without delay report the facts and opinion of the board thereon.

Daniel D. Tompkins.

A COMPANY DISBANDED.

G. O.: Headquarters, Albany, 17th October, 1814.

The Commandant of the One hundred and fifty-first Regiment of Infantry, having pursuant to the 30th section of the Militia

law, reported the disbandment of a company of Light Infantry heretofore belonging to said Regiment, whereof Thomas P. Dixon was Captain, Calvin Saxton, Lieutenant, and Martin Barber, Ensign; the Commander in Chief hereby publishes the said disbandment according to the provisions of the before mentioned section.

By order of the Commander in Chief:

GOVERNOR TOMPKINS ASSUMES COMMAND OF THE THIRD MILITARY
DISTRICT OF THE UNITED STATES.

Headquarters, The 3rd Military District of the United States,
October 28th, 1814.

G. O.:

The President of the United States having committed the charge of the third Military District to the Commander in Chief of the Militia of the State of New York, he this day assumes the command. The troops will be reviewed the course of the ensuing week. In the meantime, he enjoins upon them a perseverance in that attention to discipline and duty which has hitherto distinguished them. Headquarters will be kept for the present at the City Hall, where officers having charge of departments in this District will forthwith report the state of their respective commands.

By order of his Excellency Daniel D. Tompkins, Commanding the third Military District.

Thom's Chrystie, Asst. Adj. General.

VOLUNTEERS FOR THE UNITED STATES SERVICE.

G. O.:

New York, Dec. 5, 1814.

Brigadier-General Mapes will detach two companies from his brigade of infantry, for the service of the United States; and

Brigadier General Steddiford will, for the like service, detach two companies, from his brigade of infantry. The companies will be organized with one captain, two lieutenants, two ensigns, eleven non-commissioned officers, two musicians and ninety privates each. Volunteers for this purpose may be received by the commandants of brigades. The companies are to be ready for duty by Thursday morning next. Their station when in service, will be at or near Harlem, and their term of service three months, unless sooner discharged.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ASSIGNMENTS OF OFFICERS.

G. O.: Headquarters, City Hall, October 4th, 1814.

John P. Decatur esquire, is assigned as Major of Lt. Col. Belknap's regiment called into service and organized by general orders July 20th and August 4th last.

By order of the Commander in Chief:

Robt. Macomb, Aid-de-Camp, and Lt. Colonel.

G. O.: Headquarters, New York, Oct'r 7th, 1814.

Isaac Q. Leake Esquire is assigned as Paymaster of Lt. Col. P. Farrington's regiment, called into service by General Orders of 29th of August last.

By order of the Commander in Chief:

R. Macomb, Aid-de-Camp and Lt. Col.

G. O.: Headquarters, Albany, January 11th, 1815.

John H. Steel is assigned as Surgeon of the Detachment of Militia on duty at Haerlem and of the Veteran Corps on duty at the State Arsenal in the service of the United States in the third

Military District, who will report himself to Brig'r Genl. Boyd at the City of New York.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

PAYMASTERS CALLED UPON TO PREVENT SPECULATION.

G. O.: Headquarters, Albany, Jan'y. 14th, 1815.

The Paymasters of the Militia and Volunteers of the State of New York are strictly charged and required to pay to every non-commissioned officer, Musician and private in person, where it be practicable, the full amount of pay due him either from the United States or the State of New York, and to use every precaution in their power to defeat speculation or imposition upon the Volunteers or Militia by purchases of their pay.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ENGLAND AND THE UNITED STATES AT PEACE.

THE COMMANDER IN CHIEF PROMULGATES THE NEWS APPROPRIATELY ENOUGH ON THE ANNIVERSARY OF WASHINGTON'S BIRTHDAY WITH A CONGRATULATORY ORDER TO THE TROOPS.

G. O.: Headquarters, Albany, 22nd February, 1815.

The Commander in Chief announces, with the most heartfelt satisfaction, to the Militia of the State of New York, the ratification of a treaty of peace between the United States and Great Britain. In congratulating them on this auspicious event, he cannot withhold an expression of his praise and gratitude for the promptitude and fidelity with which they have on all occasions obeyed those various calls of service in defence of the State, which its safety compelled him to make. While he ap-

plauds their soldier-like deportment in arms, and the fortitude which they have evinced under the sufferings and privations of war, he cannot but hope that the accomplishment of an honorable peace, the smiles of an approving conscience and the gratitude of a virtuous and patriotic people will be regarded by them as an ample reward for their many sacrifices.

The Commander in Chief is especially charged by the President of the United States to convey to the Militia of this State his thanks for the patriotism, zeal and perseverance so eminently displayed by them in defence of the rights of their country.

By order of the Commander in Chief:

Sol'n Van Rensselaer, Adj't. General.

GEN. MORTON SUCCEEDS GEN. STEVENS.

G. O.: Headquarters, Albany, March 4th, 1815.

Brigadier General Jacob Morton having been promoted and appointed by the Council of Appointment to the rank of Major General of the Artillery of the State, in the place of Major General Stevens, resigned, Brigadier General Peter Curtenius is assigned to the command of the first brigade of Artillery in the stead of General Morton and will be obeyed and respected accordingly.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

SERIOUS CHARGES AGAINST OFFICERS.

G. O.: Albany, March, 28th, 1815.

Sundry complaints having been exhibited to the Council of Appointment against Captain John Tyson, Lieutenant Sylvanus Decker, Lieutenant John Burbank, and Ensign John Miller of

the County of Richmond, officers in the late detached Militia in service of the United States, of the following import, to wit:

1st. That the said John Tyson, Sylvanus Decker, John Burbank, and John Miller, on the drawing of rations for the Company under their respective Command, kept back and retained for their own use, a part of the rations which they received for the Privates under their Command;

2d. That the said officers sold and disposed of a part of the said rations without the advice or consent of their Company and neglected to render satisfactory accounts for the same;

3d. That the said John Tyson demanded and exacted from a number of the said Privates the sum of six pence each, under pretence of pay for distributing amongst them the money he received for and in lieu of a part of their rations;

4th. That the said John Tyson and John Burbank behaved in an unofficerlike manner in this, that the said John Tyson and John Burbank did on parade, on or about the twenty-ninth day of October, in the said year, enter into a dispute about politics with one Francis Houghwout who was then and there on duty, acting as a private.

And the said Council of Appointment having requested the Commander in Chief to institute an enquiry into the facts in relation to the said complaints; the Commander in Chief hereby organizes a board of officers to constitute a Court of Enquiry for the above purpose, to consist of the following members, to wit: Brigadier General Curtenius, Lieut't Colonel Beekman M. Van Beuren, Lieut't Col. Wm. W. Todd, Major Charles Graham and Captain Peter H. Schenck, of whom the first named to be President, and Capt'n J. L. Riker, Judge Advocate. The board will meet at the Village of Richmond on Monday the seven-

teenth day of April next at ten O'Clock at such place as the President of the Court shall designate for the purpose. The Judge Advocate will cause at least five days' notice of the time and place of meeting to be given to the officers thus complained of, and also to Benjamin B. Kinsey, Abraham Prall, Barnet Simonson, John Van Pelt, Abraham Houghwout, John Depui, Cornelius Christopher, Abraham Crocheron, Isaac Houghwout, Paul Latrel and William Briggs, non-commissioned officers and Privates of the said Company. The President of the board will report the facts to the Commander in Chief as soon as may be practicable thereafter.

By order of the Commander in Chief:

Ant'y Lamb, Aid-de-Camp.

G. O.:

Albany, March 22d, 1815.

Complaints having been exhibited to the Council of Appointment by a Commissioned officer against Jacob R. Vandeberg, Lieut't Colonel, and Doctor Henry Adams, Surgeon, of the sixth regiment of Infantry, for that they respectively asked and received from Andrew Van Slyck, a private in Captain C. Hoghtaling's Company, the sum of one dollar, for giving a certificate to said Van Slyck of his inability to perform military duty, in violation of the Statute in that case made and provided, and of their duty as officers;

The Commander in Chief hereby appoints a Court Enquiry to investigate the said Complaint; the Court will consist of Lieut't Colonel John T. Van Dalfsen, President, and of Lieut't Col'l Ezra Post of Durham, Major Isaac Dubois of Catskill, Major Eli Hutchinson of Rensselaerville, and Lieut't Mark Spencer of Catskill, members. Captain Robert Dorlan is assigned to be Judge Advocate of the Court. The Court will meet at such time

and place as the President thereof shall appoint, of which meeting the Judge Advocate will notify Lieut. Col. Vanderburgh, Doctor Henry Adams, and Captain Henry Houghtaling. The President will report the proceedings of the Court to the Commander in Chief without delay.

By order of the Commander in Chief:

Solomon Van Rensselaer, Adjutant General.

G. O.: Headquarters, Albany, April 20th, 1815.

In compliance with the request of the Council of Appointment expressed in the annexed extract of their Minutes, the Commander in Chief organizes a Board of officers to examine and report the facts touching the complaints specified in the said Minutes, to consist of Lt. Col'l John T. Van Dalsen, President; Lt. Col. Charles E. Dudley, Major Eli Hutchinson, Major John S. Beekman, and Lieut. Abraham Y. Lansing, members; Capt. James King of the Cavalry, Judge Advocate.

The President will appoint the time and the place in the town of Bethlehem, for the meeting of the Court, and the Judge Advocate will cause a Copy of the minutes containing the complaints and notice of the time and place of meeting of the Board at least five days previously to the Meeting. And the President will without delay, report the proceedings of the Board to the Commander in Chief.

By order of the Commander in Chief:

Sol V'n Rensselaer, Adj. General.

N. B. A copy of the Council minutes certified by the Secretary was annexed to this Order.

G. O.: Headquarters, New York, May 13, 1815.

The Court of Inquiry, whereof Brigadier General Curtenius is president, having made a report of facts, upon the charges sub-

mitted to them against Captain Tyson and others, whereby it appears that those charges are wholly unfounded, and that the officers against whom they are preferred are honorably acquitted thereof, the Commander in Chief is pleased to confirm the report so made, and he hereby dissolves the Court, with his best acknowledgment of the prompt and intelligent manner in which the duties assigned to the Court have been discharged.

Brigadier General Mapes will cause this order to be communicated to the regiment of infantry in Richmond county, for the information of the parties concerned.

By order of the Com'r in Chief:

Robert Macomb, Aid-de-Camp.

ANOTHER DISPUTE OVER RANK.

Headquarters, Castleton, Staten Island, August 5th, 1815.

G. O.:

At the request of Major Stephen Price of the third brigade of Infantry, a board of Officers is instituted to settle the relative rank and right to promotion of Lieut. Col'l Joseph D. Fay and Major Price, at the time of the promotion of the former; and also the relative rank of Major Price and the other Majors of the said Brigade. The board will consist of Major General Morton, President, and Lieutenant Colonels Laight, Paulding and Blackwell, and Major Charles Graham, members. The time and place of the meeting of the board will be fixed by the president, who will cause notice thereof to be served on Messrs. Fay and Price, and on the other officers concerned; and who will also without delay report to the Commander in Chief the facts and the opinion of the board thereon.

By order of the Commander in Chief:

Robt. Macomb, Aid-de-Camp.

A RIFLE COMPANY ORGANIZED IN TOMPKINS, DELAWARE COUNTY.

Headquarters, Castleton, Staten Island, August 10th, 1815.

G. O.:

The Commander in Chief is pleased to sanction the organization of an uniform rifle company in the Town of Tompkins and County of Delaware, with Nathaniel Webb Captain, Benjamin Hathaway Lieutenant, and Gilbert Dickerson Ensign, who are to be obeyed and respected accordingly, until the pleasure of the Council of Appointment be expressed.

By order of the Commander in Chief:

Robt. Macomb, Aid-de-Camp.

PROMOTIONS AND ASSIGNMENTS.

G. O.: Headquarters, Albany, Sept'r 5th, 1815.

In consequence of the resignation of First Major John S. Beekman of the Eighty-ninth Regiment of Militia commanded by Lieutenant Colonel Sebastian Visscher, and of vacancies existing in the said Regiment, the following promotions and appointments are made therein by Brevet, until the pleasure of the Council of Appointment shall be expressed on the same; to wit: John Lush, First Major; Garret Le Grange, second Major; Joseph Dennison and Hallenbake Stafford Captains; Henry B. Davis, James Black and Edward S. Kennicut Ju'r, Lieutenants; Henry Loucks, Daniel Skinner and Hezekiah Scovill, Ensigns.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

G. O.: Headquarters, Albany, Sept'r 25th, 1815.

Henry Stockwell is assigned as Lieutenant and John Keeling as Ensign of a Company of riflemen commanded by Capt. Sidney

Dole, in the second Regiment of Riflemen and will be obeyed and respected accordingly, until the pleasure of the Council of Appointment shall be known.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

ARTILLERY OFFICERS ORDERED TO MAKE RETURNS.

G. O.: Headquarters, Albany, Sept'r 26th, 1815.

Officers commanding Companies of Artillery in the Militia of this State will make a special return to the Adjutant General of their respective Companies, and of the field pieces and equipments attached to the same; the return of Field pieces, &c., to be made separately from that of the Company for the information of the Commissary General of Ordnance and Military Stores. Officers are specially charged to attend to the execution of this Order, as a neglect to comply with its requisitions will be rigidly punished. All field pieces not returned will be collected by the Assistant Commissaries and deposited in the Arsenals in their respective districts.

By order of the Commander in Chief:

Anthony Lamb, Aid-de-Camp.

GEN. COLES RESIGNS.

Headquarters, Castleton, Staten Island, Sept'r 27th, 1815.

G. O.:

Major General Nathaniel Coles having resigned, the Commander in Chief accepts his resignation, with thanks for his long and faithful military Services. Major General Steddiford is assigned to the command of the first Division of Infantry in the

place of Major General Coles, and is to be obeyed and respected accordingly until the pleasure of the Council of Appointment on the subject shall be expressed.

By order of the Commander in Chief:

Robert Macomb, Aid-de-Camp.

A COURT OF INQUIRY FAILS TO ESTABLISH LT. COL. COFFIN'S CLAIM.

Headquarters, Castleton, Staten Island, October 9th, 1815.

G. O.:

At the request of Lieutenant Colonel John Coffin, of the Tenth Brigade of Infantry, a Court of Inquiry is organized to investigate the legality and propriety of a brigade order of the said brigade of the 25th of August, assigning Lieutenant-Colonel Christian to the actual command of the Seventy-fifth Regiment of Infantry, previously and at the time of the Order, commanded by Lieutenant Colonel Coffin. The Court will consist of Brigadier General Mapes as President, and of Brigadier General Jacob Odell, Brigadier General Jeremiah Johnson, and Lieutenant Colonels Blackwell, Mount and Irving of the third brigade of Infantry, and Major Fanning C. Tucker of the horse Artillery, as Members. Major Charles Graham is assigned as Judge Advocate. The Court will meet at Tammany Hall in the City of New York, on the twenty-second day of October instant, at ten O'Clock in the forenoon. The Judge Advocate will notify the several Members of the time and place of meeting, and also General Ward, Lieutenant Colonel Coffin, and Lieutenant Colonel Christian. The President of the Court will report the facts and the opinion of the Court thereon.

By order of the Commander in Chief:

Robt. Macomb, Aid-de-Camp.

Headquarters, Castleton, Staten Island, 4th November, 1815.

G. O.:

The President of the Court of Inquiry instituted by General Order of the 9th of October last, having reported that the said Court has adjudged unanimously that there was nothing illegal or improper in the Order of the tenth Brigade of Infantry of the date of the 25th day of August last, the said report is approved and confirmed by the Commander in Chief, and the said Court is dissolved, with his thanks for the prompt, faithful and intelligent Attention of its members to the investigation and decision of the question submitted to their consideration.

By order of the Commander in Chief:

Robt. Macomb, Aid-de-Camp.

COL. IRVING MADE TEMPORARY DIVISION INSPECTOR.

G. O.:

Headquarters, Albany, Dec'r 8th, 1815.

Lieutenant Colonel Ebenezer Irving is assigned to do the duty of division Inspector of the first Division of Infantry, during the absence of Lieutenant Colonel Ward on a voyage for the restoration of his health, and Colonel Irving will be obeyed and respected accordingly.

By order of the Commander in Chief:

Sol'n V'n Rensselaer, Adjutant Genl.

The peace establishment of the regular army as fixed by law May 30, 1796 after the Indian wars, when Major-General Anthony Wayne was the General in command, was as follows:

GENERAL STAFF.

One Major-General; one Brigadier-General; one Adjutant and Inspector General; one Quartermaster; one Paymaster; one Judge Advocate; two Brigade Inspectors; two Assistant Paymasters; ten Surgeon's Mates.

REGIMENT AND CORPS.

Cavalry—Two troops of Dragoons; two Captains; four Lieutenants; and 2 cornets.

Corps of Artillerists and Engineers—One Lieutenant-Colonel Commandant; four Majors; 16 Captains; 32 Lieutenants; one Surgeon; four Mates.

Infantry—Four regiments, each under one Lieutenant-Colonel Commandant; two Majors; eight Captains; eight Lieutenants and eight Ensigns.

Under this organization the regular army numbered less than 6,000 men.

THE ARMY INCREASED BY THE THREATENED WAR WITH FRANCE.

1798-1799.

The Country began to prepare for the threatened war with France in the spring of 1798, and by an Act passed April 27th, an additional regiment of Artillerists and Engineers was ordered to be raised. An appropriation of \$88,000 went with the bill. The Provisional Army bill authorized the President in case of an actual declaration of war or invasion to enlist for three years 10,000 men to be raised in companies of volunteers of artillery, cavalry or infantry. He was authorized by and with the advice and consent of the Senate to appoint an Inspector General with the rank of Major-General; an Adjutant-General with the rank, pay, and emoluments of a Brigadier; two Major Generals and three Brigadier-Generals, in addition to the present establishment, and to appoint from time to time assistant Inspectors to every portion of the army. In his discretion he was permitted to appoint a Quarter-Master-General; a Physician-General, and Paymaster-General. By the Act of June 13th, 1798, supplementary to the foregoing, the President was authorized to appoint and commission as soon as he should think it expedient, as many field officers as may be necessary for organizing and embodying in legions, regiments and battalions any volunteer companies which shall be accepted as aforesaid.

By the act of July 16th, 1798, the President was authorized to raise in addition to the existing military establishment, twelve regiments of infantry and six troops of Light Dragoons to be enlisted for and during the continuance of the existing difficulties between the United States and the French Republic. The six troops of Dragoons shall be formed into a regiment under command of a Lieutenant-Colonel Commandant.

By the Act of March 2d, 1799, the President was authorized, in case war shall break out between the United States and any foreign power, or in case of imminent danger of invasion of our territory, by any such power, to raise, in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers and three regiments of infantry, or such parts thereof as he should judge necessary. The non-commissioned officers and privates to be enlisted for a term not exceeding three years, and to be entitled to a bounty of \$10.00, half at the time of enlistment and the remainder at joining the regiment they belonged to. The President is authorized to appoint and commission all officers for the said troops, agreeably to the rules prescribed by law; provided that the general and field officers who may be appointed in a recess of the Senate shall at the next meeting thereof be nominated and submitted to them for their advice and consent. The President is also authorized to organize all volunteer companies that may be accepted, into regiments, brigades and divisions and to appoint all officers thereof, agreeably to the organization prescribed by law.

The said volunteers shall not be compelled to serve out of the State in which they reside, longer than three months after their arrival at the place of rendezvous. Two millions of dollars are appropriated for carrying into effect this act, to be raised by loan on the most advantageous terms.

By an act for better organizing the troops of the United States, passed March 3d, 1799, it is enacted that a regiment of infantry shall be composed of one Lieutenant-Colonel Commandant; two majors, one adjutant, one quarter-master, and one paymaster each being a lieutenant; one surgeon, two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three before mentioned; ten cadets, two sergeant-majors,

two quarter-master-sergeants, two chief musicians, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which together shall form two battalions, each battalion five companies.

A regiment of cavalry is composed of the same number and grade of officers as the regiment of infantry; ten musicians, and nine hundred and twenty privates, to include ten saddlers, ten blacksmiths, and ten boot-makers, which together shall form five squadrons, each squadron of two companies.

A regiment of artillery is composed of one lieutenant-colonel-commandant, four majors, one adjutant, one quarter-master, and one pay-master, each being a lieutenant; one surgeon, two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three before mentioned; thirty-two cadets, four sergeant-majors, four quarter-master-serjeants, sixty-four serjeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, and each battalion four companies.

Pay of the Officers, non-commissioned Officers, and Privates.

Major-General, 166 dollars per month, and 15 rations per day; when forage is not furnished by the United States, the further sum of 20 dollars per month.

Brigadier-general, 104 dollars per month, 12 rations per day, and 16 dollars per month for forage, when not furnished as aforesaid.

Lieutenant-colonel-commandant, 75 dollars per month, six rations per day, and 12 dollars per month for forage, as aforesaid.

Major of artillery, or cavalry, 55 dollars per month, 4 rations per day, and ten dollars per month for forage, as aforesaid.

Major of infantry, 50 dollars per month, 4 rations per day, and 10 dollars per month for forage, as aforesaid.

Captain of cavalry, 40 dollars per month, 3 rations per day, and 8 dollars per month, as aforesaid.

Captain of artillery or infantry, 40 dollars per month, and 3 rations per day.

First lieutenant of cavalry, 30 dollars per month, 2 rations per day, and 6 dollars per month for forage, as aforesaid.

Lieutenants of artillery, each 30 dollars per month, and 2 rations.

Second lieutenant of cavalry, 25 dollars per month, 2 rations per day, and 6 dollars per month for forage, as aforesaid.

First lieutenant of infantry, 30 dollars per month, and 2 rations per day.

Second lieutenant of infantry, 25 dollars per month, and 2 rations per day.

Regimental surgeon, 45 dollars per month, 3 rations per day, and 10 dollars per month for forage.

Surgeon's mate, 30 dollars per month, 2 rations per day, and 6 dollars per month for forage, unless as aforesaid.

Regimental pay-master, quarter-master, and adjutant, in addition to their pay in the line, each 10 dollars per month, and 6 dollars per month for forage, unless as aforesaid.

Cadet of Cavalry, 10 dollars per month, 2 rations per day, and 6 dollars per month for forage, unless as aforesaid.

All other cadets, 10 dollars per month, and 2 rations per day.

Serjeant-major and quarter-master-serjeant, each 10 dollars per month.

Chief musician, 8 dollars per month.

Serjeant, 8 dollars per month.

Corporal, 7 dollars per month.

Musician, 6 dollars per month.

An artificer to the infantry and artillery, a farrier, saddler, and boot-maker, to the dragoons, each 10 dollars per month.

A private soldier, 5 dollars per month.

And to each of the non-commissioned officers and privates, one ration of provisions per day.

All non-commissioned officers, artificers, musicians, and privates, who are or shall be enlisted, and the non-commissioned officers, artificers, musicians, and privates of the militia, or other corps, when in the service of the United States, are exempt from all personal arrest on account of debt or other contract.

By act passed the 3d of March, 1799, for the better organization of the troops of the United States, each non-commissioned officer, private, artificer, and musician, who shall hereafter be enlisted for the army of the United States, shall be entitled to a bounty of 12 dollars; but the payment of one-third thereof shall be deferred until he joins his regiment.

And each non-commissioned officer, employed in the recruiting service, shall be entitled to receive for each non-commissioned officer, private, or musician, duly enlisted the sum of two dollars, in full compensation for his extra expenses in this service.

There shall be a commander of the army of the United States, to be appointed and commissioned by the title of "General of the Armies of the United States;" and the present office and title of lieutenant-general shall hereafter be abolished, the grade of lieutenant-general having been created by the act of May 28, 1798, compensation having been fixed at \$250 a month, with allowance for 40 rations a day, forage, four aids and two secretaries.

There shall be a quarter-master general to the army of the United States, with the rank, pay, and emoluments of major-general.

It shall be lawful for the president of the United States, at his discretion, to organize, officer, and raise a battalion of riflemen, to be entitled to the same pay and emolument as a battalion of infantry of the line.

There shall be to every army of the United States, other than that in which the quarter-master-general shall serve, a deputy quarter-master-general, who, in addition to his other emoluments, shall be entitled to 50 dollars per month, for his extra services, and travelling expenses.

The provisions of this act are not to affect the present quarter-master-general of the United States, who, in case a quarter-master-general shall be appointed, by this act, is to act as deputy quarter-master-general, and have the rank of lieutenant-colonel.

To every division of an army there shall be a quartermaster of division, who, in addition to his other emoluments, shall be entitled to 30 dollars per month.

To every brigade there shall be a brigade quarter-master, who shall receive 24 dollars per month, for his extra services; each of which officers to be chosen by the quarter-master-general from the regimental officers.

There shall be a deputy inspector-general to every army, other than that in which the inspector-general serves, to be a field-officer, and to have 50 dollars per month, for his extra services.

To every division of an army, there shall be a division-inspector, who shall be entitled to thirty dollars per month, for his extra services.

To every brigade, there shall be a brigade-inspector, who shall be entitled to twenty-four dollars per month, for his extra services; each of which officers, to be chosen from the regimental officers, by the inspector-general.

The adjutant-general of the army, shall be ex-officio assistant inspector-general.

And every deputy-inspector-general, shall be ex-officio deputy-adjutant-general, and shall perform the duties of adjutant-general, in the army to which he shall be annexed.

The pay-master-general of the armies of the United States, shall be always quartered at or near the head-quarters of the main army, or at such place as the commander-in-chief shall deem proper.

To the army of the Western Frontiers, and to detachments from the main army, the pay-master-general shall appoint deputy-pay-masters, who shall account to him for all monies advanced them, and shall give bond in the sum of fifteen thousand dollars, with sureties for the faithful performance of their respective duties; and the several regimental pay-masters shall also give bond in the sum of five thousand dollars, with sureties for the faithful performance of their duties.

The pay-master-general, to receive eighty dollars per month, with the rations and forage of a major, in full compensation for his services and travelling expenses; and

the deputy, in addition to his pay, and other emoluments, thirty dollars per month, in full compensation for his extra services.

Every major-general of the army of the United States, shall be entitled to two aids, to be chosen by himself; each of whom, shall receive, in addition to his pay, and other emoluments, twenty-four dollars per month, and ten dollars per month for forage, when not furnished by the United States.

Every brigadier of the army, shall be entitled to one aid, chosen by himself, who, in addition to his pay, and other emoluments, shall receive for his extra services, twenty-four dollars per month, and ten dollars for forage, when not furnished as aforesaid.

The President of the United States, is authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers, with the rank of lieutenant-colonels, and to allow them such compensation as he shall think necessary.

There shall be an inspector of fortifications, whose duties shall be assigned him by the Secretary of War, under the direction of the President of the United States.

The compensation allowed, if selected from the corps of artillerists and engineers, for his extra services, thirty-five dollars per month; and if he shall not be an officer in the artillery or army, he shall be allowed for his services, seventy-five dollars monthly, and rank as major in the army of the United States.

In case he shall be chosen from the corps of artillerists and engineers, or army of the United States, his place therein shall be supplied by promotion, or a new appointment, or both, as may be requisite; but he shall nevertheless retain his station in the said corps or army, and rise therein, in the same manner, as if he had never been appointed inspector.

There shall be allowed to the inspector-general of the armies of the United States, in addition to his allowance as major-general, and in full compensation for extra services, fifty dollars monthly, and he shall be allowed a secretary of his own appointment, with the pay and emolument of a captain.

A ration of provisions consisted of eighteen ounces of bread or flour or when neither could be obtained, of one quart of rice or one and an half pound of sifted or bolted Indian meal, one pound and a quarter of fresh beef or one pound of salted beef, or three-quarters of a pound of salted pork, and when fresh meat is issued, salt at the rate of two quarts for every hundred rations, soap at the rate of four pounds and candles at the rate of a pound and a half for every hundred rations.

By the act of March 16, 1802, the peace establishment was reorganized and remained at about four thousand, until 1808, when it was raised to ten thousand, which was the army peace establishment previous to the second war with Great Britain.

Two regiments form a brigade, to be commanded by a brigadier-general, to whom will be attached one aid-de-camp and one brigade-major. Two brigades form a division, to be commanded by a major-general, with two aids-de-camp; and when he commands an army, one adjutant-general, one inspector-general, one quartermaster-general, two assistant-adjutant-generals, two assistant-inspector-generals, one deputy-quartermaster-general and four assistants, one topographical engineer and one assistant; besides a chief of each department, as many assistants may be allowed as there are brigades in each separate army.

Pay, Subsistence, and Forage of the Army at the Peace, in 1815.

RANK OR GRADE.	Pay per month.	Forage by number of horses.	Subsistence or rations per day.	Remarks.
Major general, Sec'y to the general commanding the army U. States.	\$200		15	
Aid de-camp to a major-general,	24	7	4	In addition to comp. in line.
Brigadier-general,	24	2	4	Do. do. do.
Aide-camp to a brigadier-general,	104	5	12	Do. do. do.
Brig-de major,	20	2	4	Do. do. do.
Brigade chaplain,	50	2	4	Do. do. do.
Judge advocate,	50	2	4	
Adjutant and inspector general,	104	2	12	
Adjutant general,	80	5	6	
As-sistant do. do.	60	4	4	
Inspector general,	75	4	4	
Assistant do. do.	75	4	4	
Quartermaster general	60	4	4	
Deputy do. do. do.	40	4	4	
Assistant d-p. do. do.	40	4	4	
Topographical engineer,	60	4	4	
Assistant do. do.	40	4	4	
Paymaster of army,	2000		3	Per year from 1 Jan. 1814
Dep. paymaster gen.	60			In add. to comp. in line.
Assistant do. do.	30			Do. do. do.
District paymaster,	50	3	4	To be taken from priv. life.
Assistant paymaster,	40	1	3	Do. do. do.
Regimental paymaster,*	10	2		In add. to comp. in line.
Do. Adjutant,	10	2		Do. do. do.
Principal wagon mast.	40	3	3	
Wagon master,	30	1	2	
Principal forage mast.	40	1	2	
Assistant do. do.	80	1	2	
Conductor of artillery,	80			
Principal barr ck mast.	40	2	3	
Deputy barrack master,	80	2	3	
Superintendent of artificers,	45	1	2	
Assistant do.	30		2	

*Paymasters of the corps of artillery, same pay as regimental paymasters.

RANK OR GRADE.	Pay per month.	Forage by number of horses.	Subsistence or rations per day.	Remarks.
Master artificers. Artificers of the corps of that name, Special commissary of purchases, Commissary general of ordnance, Assistant do. do. Deputy commissary of ordnance, Assistant do. do. do.	\$30 16 60 75 50 40 30	{ 4 }	Rations in kind only. 4 6 7 5 2	{ 1½ rations per day each. }
Wheelwrights, carriage makers and blacksmiths, Labourers,	16 9	{ }	Rations receivable in kind only.	{ Of the ordnance department. }
Commissary general, Superintendent, Physician and surgeon general, Apothecary general, Hospital surgeon, Hospital surgeon's mate, Hospital stewards, Ward masters, Surgeons,	75 40 20 16 60 45 60 40 40	2 2 2 2 2 2 3 3 3	2 6 2 2 2 2 5 3 3	{ 3000 dollars per annum. 3000 do. do. 2500 dollars per annum. 1800 do. do. }
Surgeons mates, Professors of natural and experimental philosophy, Assistant do. do. Professor of Mathematics, Assistant do. do. Professor of the art of engineering, Assistant do. do. Teacher of the French language, Teacher of drawing, Cadet,	40 50 40 40 40 40 40 16	3 3 3 3 3 3 3 4	3 3 3 3 3 3 3 3	{ Of the corps of engineers only. }
Col. (except of cavalry), Lt. col. do. do. Maj. (except cavalry), Capt. (except cavalry), First lieutenant do. do. Second lieutenant do. do. Third lieutenant do. do. Ensign,	75 60 60 40 30 25 23 20	3 3 3 3 3 3 3 3	3 3 3 3 3 3 3 3	{ And forage for the light artillery, when mounted, the same as for light dragoons. }

PART III.

Embracing Military Correspondence of
Governor Tompkins From July 9,
1808, to January 24, 1813. •

EMBRACING MILITARY CORRESPONDENCE OF GOVERNOR TOMPKINS FROM JULY 9, 1808, TO JANUARY 24, 1813.

THE GOVERNOR GIVES ADVICE RELATIVE TO THE EXPENSE FOR REGIMENTAL MUSIC.

New York, 9th July 1808.

Dear Sir:—

It is impossible for me to give you any other advice upon the subject of your Letter of the 5th Instant than is contained in the Law itself under which the Money came into your hands. By the Sixth Section of the Act of the 5th April, 1803, (3d Vol. laws of the (?) York, page 337,) the manner in which the money collected from the Quakers is to be appropriated is explicitly pointed out. The Salary of the Brigade Major is first to be paid, the furnishing of Drums, fifes and other instruments of Music is the second expence (?) to be defrayed and the balance is to be paid into the Treasury. Under this same law there can be no doubt of the manner in which you are to account and the object for which the money is to be applied. All vouchers for these objects will undoubtedly be credited. As to the instruments spoken for and not yet delivered, I can only say that if they are not procured and delivered before the rendering of your account the price of them will not probably be allowed. The Contract made by you with Mr. Gilfert must have been made during your continuance in Office and nearly two years ago, and the Comptroller will therefore probably suppose that sufficient time has elapsed for its completion.

I should therefore doubt whether you will procure pay therefor unless you cause the drums and fifes to be immediately furnished and paid for and that before your account is rendered, otherwise your security requires that you should recal (?) the Order, if your stipulations with Mr. Gilfert will permit.

I am, Dear Sir,

Your obedient Servant,

Daniel D. Tompkins.

Daniel Delavan, Esq.

INJUSTICE OF THE POLITICO-MILITARY SYSTEM.

SUBORDINATES IN SEVERAL INSTANCES JUMPED OVER THE HEADS OF
THEIR SUPERIOR OFFICERS.

Albany, November 14th, 1808.

Sir:—

In the Month of June or July last, I received your Letter dated 10th of June and in my answer informed you that I wrote from memory, according to which Capt. Galloway's complaint to which you had reference related to a supposed injury in not being appointed to a command in the Detachment of 100,000 men. Upon a return to this place I find the representation to which I alluded and which I observed had been dismissed, was made by Capt. Elihu Granger, his Lieutenant, and the privates of his rifle company. Capt. Galloway had nothing to do with that complaint and must therefore be acquitted from the representation which the defect of my memory ascribed to him instead of Mr. Granger. Altho I did not think proper to interfere on the complaint of Capt. Granger's Company, yet if the statement be true, and it was certified to be so by their Colonel, it is natural they should feel a little dissatisfied with the disposition which was made of their

company in the Detachment. A Copy of the representation is enclosed and will afford you full satisfaction upon that subject.

The complaint of Capt. Galloway to which your Letters of the 10th June and 10th August refer, does not express any desire to have your conduct investigated either by a Court of Inquiry or a Court Martial, but is merely an appeal to the Council of Appointment to restore him to what he supposes to be his rights. A copy of his memorial to the Council is also enclosed, from which you can learn wherein he conceives himself aggrieved.

This relation brings me to the disclosure of the reasons which induced the Council to postpone the appointments in the Regiment whereof Purley Phillips was Lieutenant Colonel.

It appeared as well from the representations of Capt. Galloway and Col. Philetus Swift as from the records of Military Appointments, that his rank had been formerly violated, and if your return to us was to be Acted upon, an additional injury would be sustained by him. The Council therefore, forbore making the Appointments suggested in your Letter to the Adjutant General dated 18th January, 1808, as well as those mentioned in a separate memorandum without a signature, and requested me to ascertain by an application to you, the motives for thus superseding Capt. Galloway. If these representations and the Official records are not inaccurate, Major (Jacob W.) Hallet who never before held a Commission in Swift's or Phillips' Regiment was put over him; Major Colt who never had held a Military Commission in any Regiment was appointed Second Major, to the injury of Capt. Galloway's rank, and by your present return Capt. Howell who is alleged to be his inferior, is also to be advanced a Major over his head, and his Lieutenant McCulver is recommended for Captain. By all which not only the rank of Captain

Galloway has been, and by the last return is to be flagrantly violated, but by the appointment of his Lieutenant to a Captaincy, it seems to be intended altogether to supersede and exclude him from Military duty.

You will permit me to remark that the Act of April 5th, 1803, (3rd Vol. Laws of N. Y., page 337) requires the respective Brigadiers to incorporate the Regimental returns of vacancies, &c., into a Brigade return and transmit the same to the Commander in Chief. You will recollect that instead of such return, I was last Winter furnished with nothing but detached papers, containing recommendations for your Brigade, which subjected me to the trouble of incorporating them into a regular return. This was a sufficient reason for refraining to act upon them. With regard to the Regiment alluded to, your Letter of January 8th contained the names of Field Officers and a separate paper, not inclosed in that letter and not signed by any Officer whatsoever, is the only document upon which the other appointments in the Regiment could have been made. But candour requires me to say that this was not the principal reason which induced the Council to suspend the appointments in your fourth Regiment. The reason of most weight on their minds was, that by the Act above referred to the Officers making returns of vacancies and casualties (?) are expressly required to mention therein the names of the persons who are entitled to promotion in consequence of such vacancies. It appeared that Capt. Galloway had not been noticed when Jacob W. Hallet and Mr. Colt were appointed Majors of that Regiment, nor does your present return mention him as entitled to promotion, altho it would appear by the records of appointments and by collateral representations that he was so entitled on both occasions. The Council therefore postponed the appointments and requested me in the mean

time to require of you an explanation of the reasons for having omitted to return the persons entitled by rank to promotion. This was the true cause of what you please to term a neglect in the Council.

I must confess that I was not a little surprized (?) at the request in your Letter of the 10th May last, to appoint a Court of Inquiry upon Capt. Galloway's conduct. You must be satisfied that it would be improper in me to appoint a Court, without the exhibition of charges specifying conduct improper or degrading to the office which he holds, to the investigation of which the attention of a Court of enquiry might by General Orders be directed. No such charges are specified or mentioned in any of your Letters.

With respect to your insinuation that if the displeasure of Capt. Galloway at the recommendation occasioned the omission of the appointments, you will not hesitate to accept the resignation of the officers; I can only observe that the complaint of Capt. Galloway, fortified by the before mentioned evidence, was entitled to enquiry and consideration before further proceedings were had, and if such enquiry and consideration displeases you or the officers of that regiment they must Act as they think proper.

To your enquiry which I regret to observe is made somewhat peevishly, whether Capt. Galloway is to have more weight and interest with the Commander in Chief than yourself; I must answer that each will have the weight and influence to which he is entitled, and that when any officer, tho he no more than a Captain, presents sufficient evidence of an injury and claims from the competent tribunal, that redress to which Justice and the Laws of his Country entitle him, I as one of that tribunal, will always give it such weight as it deserves, however great may

be the influence or rank of his opposers. You also suggest that it would perhaps be agreeable to me to accept your resignation. The Law of April 5th, 1802, has enjoined upon Generals of Brigade and other officers not to approve of any resignation whatever but "upon good and sufficient and reasonable causes and excuses." It would, therefore, be improper in me to express any opinion respecting the acceptance of a resignation until the causes and reasons for it are disclosed. And I trust that you will deem this Law entitled to some respect in ultimately deciding upon the acceptance or Non-acceptance of the resignations of the officers of the fourth Regiment of your Brigade.

I should have answered your enquiries before this time had not my absence from this place deprived me of an opportunity of resorting to the Council minutes and other documents for information on the subject, and I trust you will have no reluctance to inform me without delay whether the facts stated by Capt. Galloway are true? And if they are, why you have omitted to notice his rank in your returns for that Regiment?

I am, Sir,

Yours, etc.,

Daniel D. Tompkins.

Genl. John Swift.

N. B. Copy of Capt. Granger's complaint and of Capt. Galloway's memorial were Enclosed.

AS TO MILITARY EXEMPTS.

THE GOVERNOR EXPOUNDS THE LAW WHICH REGULATES THEM BUT IS NOT CERTAIN OF HIS PREMISES.

New York, September 7th, 1809.

Dear Sir:—

A few days after the receipt of your letter of July I went to visit a sick Mother in West Chester County, from whence I pro-

ceeded to the westward and have returned to this city about a fortnight past. These circumstances, together with my reluctance at volunteering an opinion without consulting the Adjutant-General to whose Department the solution of your question appertains, and whom I have not until lately seen, have prevented an earlier answer to your letter.

The constitutionality of that part of the present law (the 57 clause or section) which subjects to Militia Duty certain officers who have heretofore resigned or ceased to be officers, who by the Law existing at the time were excused from Militia duty, has I understand been called in question upon the supposition that it is an *expost-facto* law as to them. Any *expost facto* operation of this Clause does not seem to have had influence upon the legislature because it would have been equally *expost facto* as to all the other persons and officers mentioned in that Clause. Add to this that the Legislature evidently had in view their former exemption when they prohibited a Court Martial from encreasing (?) the fines as to them; which prohibition appears manifestly to have been provided as some indulgence or consideration for their former exemption.

Besides, as the Council of Revision, which is composed of the highest Judicial Characters in the state and was instituted for the purpose of arresting the passage of bills embracing unconstitutional provisions, did not suggest any objection to the late Militia act, I shall for my own part deem it most safe and Judicious to regard the law as Constitutional and obligatory and to be acted upon and enforced accordingly.

The only question with me, therefore, would be the Construction of the Act. The 13th Sect. exempts wholly "All officers in "the line of the army of the United States and all officers who

“have served in the Militia or levies of this state or in the Militia
“or levies of any of the United States or in the Militia or levies
“of the late Colony of New York.” In consequence of a proviso
in the 36th Sect. of the old Law, this exemption extended by im-
plication to officers of the Militia since the revolution, who had
resigned or legally ceased to be officers. But that proviso is
omitted in the present law, in consequence of which omission and
the provisions of the 57th section, I should apply the above clause
only to officers of the Militia, army or levies in the American
revolution.

This construction is fortified by the two succeeding provisions
in the 13th Section, one of which excepts such officers as went
over to join the enemy in the late War; and the other declaring
“that if such officers are commissioned to an equal grade” in the
Militia to that which they respectively held in the said Army
Militia and levies, etc., thereby evidently intending to distin-
guish the Army, Militia and levies of the revolution from
the Militia organized since the peace. This construc-
tion is further supported by the fifty-seventh section which sub-
jects to Military duty those officers of the Militia who have not
officiated in their respective offices for four years.

These two sections are contradictory and irreconcilable unless
the 13th receives the interpretation which I have given to it.

The inclination of my present opinion therefore is:

I. That the total exemption of officers in the 13th Section ex-
tends only to officers in the line of the Army of the United States
or in the Army, Militia or levies of this state, or the late Colony
of New York, etc., previously to, or during the American revolu-
tion.

II. That the officers of the Militia organized since the revolu-

tion and who have resigned or legally ceased to be officers before the passage of the present state law and who have not respectively held their offices or officiated for four years are liable to Military duty; with a proviso in their favor that the fine for non-performance shall not be encreased (?) by a Court Martial beyond One Dollar, for Company and two Dollars for Battalion, Regimental and Brigade parades.

III. That officers who have resigned or legally ceased to be officers of the Militia before the present Law and who have officiated four years or upwards are by implication exempt altogether, and

IV. That officers resigning or legally ceasing to be officers after the passage of the present Law, are not to be exempt unless they have held their commissions or officiated for ten years. As to officers who have been commissioned for the purpose of raising uniform companies and who have not had the number of Men uniformed and equipped within the time limited by Law, I would remark that the manner of disbanding such companies has heretofore been this: a return of such deficiency has been forwarded to the Commander in Chief, upon which the Council of Appointment predicate a resolution disbanding the Company and revoking the commission of the officers; upon which resolution a supersedias issues to them respectively. Until a disbandment in that way, I presume they are to be deemed and regarded as officers. But whether they are to be regarded as officers who have been engaged in the performance of their duty as officers or not, is a question to be determined by a Court Martial upon the facts presented in each particular case.

I am perfectly sensible, that the opinions here advanced will be questioned and indeed know that Courts Martial in this city, have determined differently. But as you have requested it, I

have freely given you my private opinion for your individual satisfaction.

I am, D'r Sir, Respectfully,

Your Obedient Servant,

Daniel D. Tompkins.

P. S. The first Act to regulate the Militia after the War was passed 4th April, 1786, and exempted only officers in the line of the Army of the United States. The ensuing year (18th April 1787) by the 8th Section of an amendatory Act, the exemption of the preceding year is recited as extending to officers who have served in the Army of the United States during the late War, and by the said 8th section that proviso is made to embrace officers who have served in the Militia of the State or Colony of New York and is so worded as clearly to be connected with the previous words "during the late War." Indeed that must have been intended without such connection, because no other Militia of anterior date could have been referred to than the Militia organized during the revolution. The above provisions have been continued in nearly the same words throughout the various preceding Militia laws and ought now to receive the same construction which was then given to them. These are additional circumstances in favor of my construction of the 13th section.

D. D. T.

Archibald McIntire, Esqr.

LAXITY IN KEEPING MILITARY RECORDS.

THE GOVERNOR UNABLE TO LEARN THE MILITARY HISTORY OF TWO
CANDIDATES FOR BRIGADIER-GENERAL.

Albany, November 28th, 1809.

Sir:—

General Van Slyck, commandant of the Third Brigade of Artillery has resigned his commission, which I shall deem it my duty

to accept. In consequence of that vacancy yourself or Colonel Henry R. Teller is entitled to the promotion. By the Military index I perceive that you were both appointed Lieutenant Colonels on the same day and I have not been able to trace your relative rank immediately anterior to that appointment. According to my ideas of rank, he who was the superior officer at the time of promotion to Lieutenant Colonel, continues of course, superior in that grade; and is accordingly entitled to be promoted Brigadier General.

As it is necessary that the one entitled to promotion should be seasonably advanced to the command, so that the return of officers for promotion should be made through him, I take the liberty of requesting you to forward me a memorandum of the rank you held at the time of your appointment as Lieutenant Colonel, and the date of your commission in that rank.

I am, Sir, respectfully,

Your obedient servant,

Dan'l D. Tompkins.

N. B. A copy of the above sent to Col. Henry R. Teller with the name of Joseph Kirkland instead of his in the fourth line and a direction to Lieut. Col. Henry R. Teller.

UNCERTAINTIES OF MILITARY PROMOTION.

Albany 13th April, 1810.

Sir:—

Your Letter of the 24th ult. was received the Evening after the session of the Council of Appointment closed, and my absence from that time until this day has prevented an earlier answer.

Upon an examination of the Council minutes it appears that Mr. Grieve had been appointed a Major in the Sixth

Regiment of Artillery but I cannot find that any appointments or promotions have taken place in his company. If there be a second Lieutenant (the first having moved away) he will be entitled to the command of the company as a matter of right. There can, however, be no objection and indeed it is usual and proper, to indulge volunteer uniform companies in the choice of persons to fill those offices to which no person has a claim or right by virtue of an antecedent commission.

I am, Sir, respectfully, etc.,

Daniel D. Tompkins.

James Rees, Esqr.

DELIGHTFUL DISCRETION LEFT TO OFFICERS IN THE MATTER OF DETAILS OF UNIFORMS.

Albany, 27th Nov'm'r, 1810.

Sir:—

The commission of Lieutenant Colonel which accompanies this Letter is granted at the request of some of your friends and in consideration of the use it may be to you in the situation of Secretary of Legation at the Brazil's Court. You will, therefore, please to consider it as merely complimentary and not intended to invest you with any Military authority or command on your return here, unless you shall subsequently receive a Notice or Order from me to that effect.

The uniform of the station is a blue coat with buff facings, collars and cuffs, Yellow Epaulettes, buff under cloathes (?), Cocked hat, or Chapeau bias with a Cockade ornamented by a Golden Eagle in the center and such additional mounting as pleases you. Myself and Aids, to distinguish ourselves from the inferior General Officers and their staff, mount no feathers. The sword, belt, sash, spurs and boots are left to the taste of each aid who also puts embroidery or lace on his coat or not at his pleasure.

I am happy to renew by this Testimony of my friendship the acquaintance which one interview created between us, and beg leave to tender you an assurance of my respect and Esteem.

Daniel D. Tompkins.

Lewis S. Pintard, Esq.

ETIQUETTE OF PRECEDENCE.

COL. TELLER DISPUTES THE GOVERNOR'S APPOINTMENT OF LIEUT.

COL. KIRKLAND AS BRIGADIER-GENERAL.

Albany, October 4th, 1810.

Sir:—

You may recollect that previously to the last session of the Council of Appointment I notified you of my acceptance of the resignation of Brigadier General Van Slyck, and requested you to forward me the dates of your several commissions. The same request was made of Col. Teller. It appeared from the answers that you were both appointed Lieutenant Colonels on the same day, from the grade of Captain; and that the date of your commission as Captain was two years prior to his. Upon receiving that information I considered that the right of promotion was unquestionably yours and so informed Col. Teller. But he immediately notified me in writing that he should contend rank with you, and demanded a board of officers to settle the question. Being disposed to indulge every reasonable request I should have appointed a board accordingly, had not Col. Teller afterwards consented at my instance to waive that demand and submit the question to the Council of Appointment; the papers were accordingly laid before the Council at their first meeting and my decided opinion upon the point given. Yet no appointment was made during the session although the subject was repeatedly mentioned by me and the necessity of filling the vacancy as repeatedly urged. The Brigade having remained to the present time

as far as I am advised, in the same situation without either of you assuming and exercising the authority of commandant of the Brigade, I have judged it proper to notify you, that I shall look to you for the performance of those duties which appertain to that station and particularly for the return of persons for promotion, and for the Brigade Inspection return. That you should entertain less doubt of the correctness of my opinion as to your legal right to that command, permit me to refer you to the treatise on Martial Law written by Alexander Macomb, Major of the United States Corps of Engineers, which has been communicated to me by the Secretary of War as an approved work published for the information and benefit of the Militia.

Macomb (page 17) speaking of rank, says: "As it sometimes happens that officers have commissions of the same degree and date, then and in that case an inspection must be had into their former commissions; for instance, if two Lieutenants are promoted on the same day to the rank of Captain, he who took rank as elder Lieutenant, will, of course, as Captain, &c." Now by our Militia Law officers of the same grade are to take rank according to the dates of their commissions therein; and as the date of your Captain's commission was prior to Mr. Teller's, you did beyond doubt take precedence of him in that grade, and according to the above authority must of course, take rank of him as Lieutenant Colonel. Having heretofore notified you and Colonel Teller that the resignation of General Van Slyck had been duly accepted, I consider a General Order assigning you to the command unnecessary, since it devolves on you of course.

I am, Sir, with respect,

Your obedient Servant,

Daniel D. Tompkins.

Lieutenant Col. Joseph Kirkland.

THE TROUBLESOME QUESTION OF RANK.

THE GOVERNOR'S ATTEMPT TO CONVINCE A CAPTAIN OF THE IMPROPRIETY OF PROMOTING A PRIVATE OVER THE HEAD OF A LIEUTENANT.

Albany, 2nd October, 1810.

Sir:—Your Letter of the 11th July last, covering a return of persons to fill the vacant offices in the Company of Artillery at Geneva, would not have required any answer from me but for a Communication which has since been received from Mr. R. T. Wood. It seems that he is second Lieutenant, and that as you have been advanced to a Majority and the first Lieutenant has moved away, Mr. Wood conceives that the command of the company devolves on him of course, and that he of right is entitled to the commission of captain. Upon examining your Letter I find that Mr. Rees the present Sheriff is returned for captain and Mr. Wood for first Lieutenant. By the constitution of the State any other office is incompatible with that of Sheriff, and, therefore, when there is no assurance before hand of an intent to elect the other office and abandon that of Sheriff nor any reasonable expectation of such election the appointment of a Sheriff to such other office would be nugatory if not improper. The objection to the legality of your return does not however proceed from the circumstance of your having returned the Sheriff of the County for captain, but arises from the Militia Law of the State. The 20th Section of that Law provides “that officers of the Artillery shall rise and receive promotion in their respective companies, Battalions, Regiments and Brigades,” and by the 67th Section, commandants of Regiments and Battalions are required to make returns of the vacancies and casualties in their respective corps and of the persons who are entitled to promotion in consequence of such vacancies. Now permit me to ask, does your return comport with the

above direction? Mr. Wood, by Law, is entitled to rise in his company, and as there is no other commissioned officer in the company but himself, is not he and he only entitled to be advanced in the command of the company in consequence of the vacancy? I am not acquainted with any legal provision or Military usage, which gives a private under any circumstances a title to promotion over the head of a commissioned officer of his company or which will justify his being so returned.

It has indeed been usual to indulge uniform companies in the Choice of their Ensigns or Second Lieutenants; for, as no particular non-commissioned officer or private has a right of claim to be appointed to a vacancy for Ensign or Lieutenant of a Company, the Council may with propriety and without effecting (?) the legal rights of any one appoint that person who is selected by a majority of the Company or otherwise recommended; and it is to be presumed that none will be chosen or recommended for that grade but such as are fit to be regularly promoted afterwards. The indulgence to a Company of choosing their officers, except at the first organization, has however, always been restricted to the officers of the lowest grade. And, when once a person has by the choice of the Company or otherwise obtained and accepted a commission of that grade, the right of being thenceforward regularly promoted according to Law has attached, and any obstruction to his regular promotion afterwards is an infringement of his rights and an injury to his feelings. To carry the indulgence of choosing officers so far as to allow a Company to place a private over the head of their commissioned officers, might introduce intriguing and discord and would not only tolerate a practice subversive of all subordination and discipline, but would in fact be making the choice of the company paramount to the Laws of the land.

Should the Lieutenant Colonel of your Regiment die or resign and leave you the senior Major and should any private of the Regiment in consequence of a selection by the officers or otherwise be advanced as Lieutenant Colonel over your head, would you not suppose yourself aggrieved and refuse to be commanded by the Private who had thus superseded you? I know too well your reputation as an officer of honor and spirit to doubt your answer. And yet it would be just as correct in the Brigadier General to return a private in that case, as for you to return a private to be Captain over the head of Lieutenant Wood; for you will surely admit that although a Lieutenant is an inferior officer his rights and feelings are to be respected equally with those of a Major.

Knowing the respectability of your character and your attention and merits in a Military capacity, I am led to believe that without any intention of injuring Mr. Wood, and without advert- ing to the particular provisions of the Militia Law, you have forwarded the result of the election by the Company as a supposed duty, and, therefore, I deem it proper for me to suggest my impression as to the claim of Mr. Wood, to the end that you may either convince me of my Error by referring me to the statute or Military principle upon which the return now before me was made; or that if on the contrary you should upon reflection be satisfied that I am right you may before the next meeting of the Council transmit such a return as will remove any just cause of complaint. }

I am, Sir, respectfully,

Your Obedient Servant,

Daniel D. Tompkins.

Major Walter Grieve.

SNUBBED BY THE FORMER ADJUTANT GENERAL.

GOVERNOR TOMPKINS SUBMITS AN IMPORTANT PROPOSITION IN WRITING TO GEN. VAN RENSSELAER AND FAILS TO RECEIVE AN ANSWER.

Albany, October 6th, 1810.

Sir:—I understand the Captains assigned to raise and command Military companies make a pretty general practice of giving Certificates of Membership at the times the several persons enlist or stipulate in writing to become Members of such uniform company; and it frequently happens that Militia trainings intervene after such Certificate and before the individual in whose favor the Certificate is given has equipped himself in the uniform of the Company. In these cases it is common for the Captain of the Militia Company to which such person belonged, to return him as delinquent for not training in the Militia, and, upon being summoned before the Regimental Court Martial, he produces the Certificate of the Captain of the uniform company of his being a Member thereof. Now, the question which has been submitted to me and upon which I request you to give your written opinion, as soon as convenient, is, ought the Certificate of the Captain of the uniform company to be respected and considered as conclusive by the Regimental Courts Martial, or ought they to enquire notwithstanding the Certificate whether the person producing it is actually uniformed and equipped or not? And, if they find he is not, ought they to fine him as a delinquent in the Militia, notwithstanding such Certificate?

Should your opinion be that the Certificate of the Captain of the uniform company ought to be presumed as correct and regarded as conclusive by his brother officers of the Regimental Courts Martial, then I will thank you to prepare and deliver to me



Sol. Van Rensselaer

with your opinion the draft of a General Order recommending to and enjoining upon Captains of uniform companies not to grant Certificates to persons enlisting until they shall have actually equipped themselves in the uniform of the Corps into which they enlist.

If, on the contrary, you are of opinion that Regimental Courts Martial may with propriety disregard the Certificate of the Captain of the Uniform Company. And fine, notwithstanding such Certificate, in General Order upon the subject will be necessary.

There does not occur to me any positive provision in the Militia law as to the conclusiveness or binding effect of the Certificates of Commandants of Uniform Companies upon Courts Martial; but the Statute with respect to Jurors makes such Certificates conclusive in Civil Courts and I believe they never enquire into the fact of being uniformed, but upon the production of a Certificate discharge from the Jury of course. (See I Vol. Laws of New York page 386). The practice of Courts Martial have been various, and it is important to decide what Military authority and usage point out as the true course to be pursued by Courts Martial in the above case.

I am, Sir,

Your obedient Servant,

Daniel D. Tompkins.

Solomon Van Rensselaer, Esq., Adjutant General.

The original of which the foregoing is a true Copy, was delivered to Solomon Van Rensselaer, at his Mansion house October 6th, 1810, by A. C.

N. B., never received an answer.

D. D. T.

A DECISION ESTABLISHING A RULE REGARDING RANK.

Albany, 8th October, 1810.

Sir:—

Your communication touching rank in the Dutchess Cavalry has been received. Every officer takes rank from the date of his commission and not from the time of qualifying thereto. If therefore the commissions of the four Captains bear the same date, you are undoubtedly entitled to draw with them for rank unless prior relative rank renders such draft unnecessary. According to the rules by which I have abided and which appear to me to be correct, Captains and other officers having commissions of the same grade and date are not in all cases or as matter of course to draw for rank; for, if either Captain at the time of his appointment, was elder Lieutenant he takes precedence as Captain of course, and, without submitting to a draft. Therefore, to adjust the relative rank of officers having commissions of the same grade and date, it becomes necessary to inspect their prior commissions. And if, for instance, he who took rank as Elder Lieutenant will of course take precedence as Captain; and if their Lieutenants' commissions are also found to be of the same date, then resort must be had to their Ensigns' or other previous commissions. But should all their antecedent commissions be found of the same date or should neither of them have held a commission before, then and in those two cases they must draw for rank. An approved work on Martial Law written by Major Macomb of the United States Corps of Engineers and published for the information and benefit of the Militia also recognises (?) and asserts the preceeding (?) principles (see page 17). I shall therefore continue to exert myself in persuading the Council of Appointment to abide by them and shall take care that the appointments in the Dutchess Regiment be conformable thereto. A copy of my

Letter to Adjutant Evertson upon the subject of your communication is enclosed.

I am, Sir,

Your obedient servant,

Daniel D. Tompkins.

Capt. Isaac Lownsberry.

Albany, 8th October, 1810.

Sir:—

I have just received a Letter from Capt. Lownsberry of the Dutchess Cavalry stating that he, not having qualified to his commission of Captain at the meeting of the officers on the 28th March last, because his commission had by mistake been sent to and detained at Kingston, in Ulster County, until within five days of that time, did not draw for rank with the three other Captains whose commissions bear equal date with his. He also states that those Captains have in September last been returned for promotion and taken the command of Squadrons without his having any opportunity of drawing with them to establish their relative rank, by which proceedings he conceives himself aggrieved. As his Captain's commission bears equal date with theirs and as the delay of qualifying was not his fault, I do not well know how the other Captains can lawfully command Capt. Lownsberry, or be promoted before him, unless their commissions as Lieutenants were elder than his or unless they can show that, upon a draft to which he was a party they drew superior rank.

I will here observe, that the choice of a Company or a selection by officers of persons to fill vacancies may be indulged with propriety in cases where no person already commissioned is entitled to be promoted to the vacancy, but can never be indulged in violation of rank. Whether the arrangements and proceedings of the officers of the newly organized Regiment of Cavalry have

conformed to the strict rules of rank or have been the result of choice and selection I know not; but I shall certainly expect that the annual return for promotions to be laid before the Council of Appointment will in all things conform to the legal rank and rights of the respective officers; and that you may be made acquainted with my notions of rank, I take the liberty of enclosing to you a copy of my answer to Capt. Lownsberry's letter.

I am, Dear Sir, with respect and esteem,

Your Obedient Servant,

Daniel D. Tompkins.

Walter Evertson, Esq.,

Adjutant, Regiment of New York Cavalry.

COLONEL GRAY AND MAJOR YATES PREFER CHARGES AGAINST EACH
OTHER.

New York, October 13th, 1810.

Dear Sir:—

I have received your Letter of September 28th in which you ask my "opinion and direction" as to the course which ought to be pursued in the difficulties which have arisen between Brigade Major Yates and Col. Gray. My advice is this:

As there are reciprocal charges on the part of Col. Gray and Major Yates, you ought first, to ascertain the facts in relation to the conduct of each, and the question of right arising out of those facts. This must be done by a Court of enquiry, which you have power at any time to call (vide Section 178, Mil. law). The president of this Court will report to you, and then you will be enabled to Judge whether these Gentlemen ought to be brought before a Court Martial.

In this case the Major General of your division will, at your request, order a General Court Martial.

As to the Court of Enquiry, if you be of opinion, from what may have transpired, that suitable officers cannot be found in your brigade, I would recommend to you to request the Major General of your division to order one.

This is the course which I would adopt, were I in your situation. It is not a matter in which I as Commander in Chief, need interfere; but as you request my advice in a friendly manner, I give it to you with pleasure.

Yours, &c.,

Daniel D. Tompkins.

General Dodge,

Montgomery County.

THE POWER TO DISBAND COMPANIES.

THE GOVERNOR OBTAINS AN OPINION FROM THE ATTORNEY-GENERAL
ON THIS MUCH DISPUTED QUESTION.

Albany, 8th December, 1810.

Sir:—

Upon examining, I find that Col. (Hendrick) Van Schaick's notice has been received by me. The reason that no General Order has been issued upon the subject yet is, that I had doubts whether the 30th section of the Militia Law embraced companies organized before the passing of the Act of 1809. The company to which Col. Van Schaick's notice relates was organized in 1807, two years before the passage of the Law under which they have been disbanded, and even if such companies are comprehended in the provisions of the 30th section, I had doubts whether any General Order ought to issue until after the Council of Appointment have confirmed the disbandment by superseding the officers of the Company. Both these points have been submitted to the Attorney General and as soon as I am possessed of his opinion, I will

either furnish you with a General Order to be transmitted to Col. Van Schaick. or with a Letter containing the opinion of the Attorney General, if that opinion be against the propriety of issuing such Order.

I am, Sir, with respect,

Your obedient Servant,

Daniel D. Tompkins.

Garrit Y. Lansing, Esq.

Albany, 8th December, 1810.

Sir:—

I am under the necessity of requesting your opinion upon some questions arising upon the 30th Section of the Militia Law of 1809.

Uniform Companies organized before the passing of that Act might be disbanded if at the end of one year the company did not consist of Thirty Men uniformed and equipped. The construction given to that Law and the practice under it from Governor Jay's administration down to the repeal of it by the Act of 1809, has been for the Council to exercise their discretion upon the dissolution of a company, but in most cases where the Commandant of the Regiment reported a non-compliance with the Law, the Council entered of course, a resolution disbanding the Company and revoking the commissions of its officers. Upon that resolution the Secretary was authorised (?) to issue a supersedias to each officer. This practice of enforcing the above provisions commenced, I believe, with Dirck Ten Broeck's Company of Cavalry, in this City, in the year 1798 or 1799, and its continuance ever since will be shewn by the Council books.

The 30th Section of the Law of March 29th, 1809, is differently worded and enacts that if a Company of Artillery, Grenadiers, Light Infantry, Troop of Horse, or volunteer corps (except in

cases otherwise directed by this Act) shall not have thirty Men (including Eight non-commissioned officers) in uniform, according to Law, within one year after such Company, &c. has been organized or the receipt of the Commission by the Captain or Commandant of such Company, &c., such Company shall be disbanded and the Commandant of the Regiment shall thereupon report such disbandment to the Commander in Chief who shall publish the same in General Orders, &c.

Question 1. Does the above provision retrospect and embrace volunteer companies organized two or three years before the Law passed, and companies organized within one year before its passage, or does it only comprehend those companies which shall be organized after the 29th March, 1809?

Question 2nd. Suppose a company is now by deaths, removal or otherwise reduced to 30 Men which within one year from its organization had more than thirty Men in uniform. Can such Company be now disbanded and the commissions of the officers superseded under the above section?

Question 3rd. If the provision only relates to companies to be thereafter organized, is not an Act of the Council of Appointment a necessary preliminary to a General Order? Or have the Legislature the right to empower the Commandant of a Regiment or the Governor without an Act of the Council to Vacate and annul Commissions which the Constitution declares shall be held during the pleasure of the Council?

Although the above questions relate to Military matters, they are nevertheless purely law questions, arising upon the construction of a statute, and I therefore hope you will have no objection to favour me with your opinion on them. I should have no doubt the provision did not extend to companies organized before the act, were it not for the last Section of the Law.

Reports have been made to me of Companies of each of the beforementioned descriptions, and I find so many and opposite constructions of the Law are adopted by the several commandants of Regiments that the operation of the Law will be partial unless by a General Order the official construction shall be announced.

I am, Sir, with respect,

Your obedient Servant,

Daniel D. Tompkins.

Abraham Van Vechten, Esq.,

Attorney General.

Albany, 10th December, 1810.

Sir:—

I have obtained the opinion of the Attorney General upon the point which delayed my issuing any General Order relative to the disbandment of the Company mentioned by Col. Van Schaick. That Company was organized before the passing of the Act of 1809, and was disbanded by him under the 30th Section of that Act. My own impression, that the provision of that Section did not apply to any Company organized before the passing of the Act, is confirmed by the construction given by the Attorney General. As I do not know the address of Col. Van Schaick, as to residence, I have enclosed a letter for him to you and shall feel obliged by your directing and forwarding it.

I am, Sir, with respect,

Yours, &c.,

Daniel D. Tompkins.

Garrit Y. Lansing.

Albany, December 10th, 1810.

Sir:—

The Notice of your having disbanded Capt. Tift's Company has been received, but I have omitted to issue any General

Order upon the subject on account of my doubts whether the 30th Section of the Law of 1809 extended to that Company, or authorised (?) its disbandment. For greater certainty the opinion of the Attorney General has been obtained in which he says, "that the 30th Section of the Act of March, 1809, is applicable "only to companies thereafter organized. The words, shall not "have thirty Men in uniform, &c., within one year after such "Company has been organized are prospective and will not warrant a retrospective application." According to this construction, in which I concur, Capt. Tift's Company does not come within the 30th Section of the Militia Law of 1809, because they were organized before its passage and cannot legally be disbanded by virtue of it. This circumstance has prevented and will continue to prevent my issuing any General Order upon your report. Should the officers appointed in 1807 have omitted their duty and have neglected to accomplish the objects for which they were commissioned within a reasonable time, the only existing remedy is, I presume, to report their neglect particularly to the Council of Appointment and recommend their being superseded for that cause.

I am, Sir, respectfully,

Your Obed't &c.,

Daniel D. Tompkins.

Lieut. Col. Hend'k Van Schaick.

JUDGES OF THE COURT OF COMMON PLEAS EXEMPTED FROM MILITARY DUTY.

Albany, March 9th, 1811.

D'r Sir:—

I have been desired to communicate to you my opinion relative to the liability of the Judges of Court of Common Pleas to perform Military duty.

The XIII Section of the Law, passed 29th March, 1809, exempts all Judicial officers. The IIId section of the Amendatory Law, passed 2nd April, 1810, subjects Justices of the peace, not otherwise exempted, to Militia duty. Of course all other Judicial officers, than Justices of the peace, remain exempted by the first section above mentioned. It cannot be questioned that the office of a Judge of the Court of Common Pleas is a Judicial one, nor is that office by any means embraced by the term "Justices of the peace." The latter are never named in the County Court Commission, have no Jurisdiction in matters appertaining to that Court nor have they any right or authority to sit there. The Judges and assistant Justices derive their authority as such from a separate and distinct commission from that of the peace, by which commission they are distinguished by a different name and endowed with other Judicial powers and subjected to other Judicial duties than those which appertain to mere Justices of the peace, and are therefore in my opinion expressly exempted by the 13th Section of the Law passed 29th March 1809.

I am, Dear Sir, with respect,

Your obedient Servant,

Daniel D. Tompkins.

Lient. Col. Jere'h Johnson.

CONTENTION OVER MILITARY APPOINTMENTS.

Albany, April 6th, 1811.

Sir:—

Several enquiries have been made relative to one appointment in your Brigade which I am unable to answer. It appears that upon your Brigade return for promotions and appointments, the late Sheriff is returned as entitled by rank to be promoted to Lieut. Colonel of the Regiment lately commanded by Col. Gray.

I find that he was once first Major of that Regiment, but vacated his commission and abandoned the Military by the acceptance of the office of Sheriff, which is incompatible with any other office Civil or Military.

Upon what principle of promotion, a person who had thus voluntarily gone out of the Corps, and lost his rank in it, could with propriety be returned as entitled by rank to be its commandant, I am unable to ascertain.

The vacancy of first Major having happened, the right of the next officer in rank to promotion attached as well as the right of the subordinate officers to be promoted to the other consequent vacancies; under such circumstances it appears to me to be as much a violation of their rights to return Mr. Snell, who was out of the Regiment, to a command over them, as it would have been to return a private or stranger, for such command.

This impression, however, may proceed from want of information of circumstances or of principles of rank and promotion, or of Military Custom or usage which guided you in making the return as to the above particular. I will, therefore, thank you, as soon as may be convenient to acquaint me with the grounds upon which that part of your return was made.

I am, Sir, respectfully,

Your obedient Servant,

Daniel D. Tompkins.

General Dodge.

RULE GOVERNING THE PROMOTION OF ADJUTANTS.

Albany, 9th April, 1811.

Sir:—

The Council have the right of appointing an Adjutant, who is taken from the line, to all the superior grades in the line, accord-

ing to the date of his prior commission in the line. But an Adjutant not taken from the line is not by law entitled to any promotion in the line until his rank entitles him to be second Major of the Regiment. This promotion he is entitled to by rank whenever his Adjutant's Commission is of prior date to the Lieutenant's Commission of the Senior Captain. But if the Lieutenant's Commission of the Senior Captain shall be of prior date to the Adjutant's, the Captain is entitled in that case to be appointed Second Major in preference to the Adjutant. If their Lieutenant's Commissions are of equal date, and the Captain held no prior Commission, then they must draw for rank and the successful one will be promoted as second Major. If their Lieutenant's Commissions are of equal date, and the Cap'n shall have held no prior Commission, then they must draw for rank, and the successful one will be promoted as second Major. If their Lieutenant's Commission are of equal date and the Captain shall have held a previous Commission of Ensign, he outranks of course, and is to be appointed second Major without submitting to a draft.

None of the above principles, however, apply in favour of any Adjutant, except him who shall actually be Adjutant of the Regiment at the time when the Vacancy in the office of second Major happens. How their relative rank is to be decided when the Senior Captain never held any Commission prior to that of Captain is matter of doubt.

I am, Sir,

Yours, &c.,

Daniel D. Tompkins.

Colonel Yates.

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THE GOVERNOR REFUSES TO ACCEPT THE RESIGNATION OF CAPT.

BLISS.

New York, 29th June, 1811.

Sir:—

Your resignation bearing date the 15th Instant has this moment been received. I cannot accept it until I may be acquainted with the facts upon which you claim promotion to a Majority in preference to the person who you say has been advanced to that station. Should it appear that your rights have been overlooked and the Council do not think proper to rectify the mistake, I shall feel myself bound to accept your resignation, as you certainly cannot then, consistent with honor, continue to serve. But should it appear on the contrary, that your impressions upon the subject are erroneous, and that the promotion of the other person was according to his legal rank, the reason which you assign for resigning will not be a sufficient one. I will therefore thank you to furnish me with the dates of your and his respective commissions as Captains; and in case those commissions are of equal date let me know your relative rank before you were advanced to the grade of Captain.

I am, Sir,

Your Obedient &c.,

Daniel D. Tompkins.

Capt. Jacob Bliss, Otsego.

DRAWING LOTS TO DETERMINE SENIORITY IN RANK.

New York, 10th September, 1811.

Sir:—

I have received a Letter from Ensign William McClymon of your Regiment, stating that he and Daniel Degraaf were appointed Ensigns on the same day, and of course with equal rank; and

that without any opportunity of a draft or other method of determining which of them should hold prior rank, Mr. Degraaf has been promoted a Lieutenant and the complainant left as Ensign. If the fact be that their Ensign Commissions bear equal date, then according to the Eighth section of the Militia Law of the United States (recited in our Militia Law), the proper method of deciding who should be first promoted was for them to draw lots before the Commanding officer of the Regiment. I enclose a Copy of the representation and request you to inform me by letter whether the facts be correctly stated, and if so upon what principle Mr. Degraaf was first promoted without previously determining their relative rank by lot or otherwise?

I am, Dear Sir, respectfully,

Your Obedient Servant,

Daniel D. Tompkins.

Lieut. Col. John Veeder.

PRIVILEGES OF A MILITIAMAN.

Albany, December 2, 1811.

Sir:—

Your Letter of the 29th Ult. was received by me yesterday on my return to this City. The construction of the first section of the Militia law of the United States, is certainly liable to doubt and difficulty, but the better and more universally adopted opinion is, that a citizen of the United States liable to do militia duty who has been duly enrolled and notified to equip himself and who has once had the benefit of the indulgence of six months for that purpose, is not entitled to that privilege again. That this is the spirit of the law is evident from several of its provisions. It is to be inferred from the clause which exempts equipments from all suits, distresses, executions or sales for debt or for the payment of taxes,

that congress did not contemplate a repetition of the indulgence, and that the last mentioned provision was designed to obviate the necessity of a second six months to equip. The words of the law extend as well to a citizen removing from one beat to another in the same State, as from one State to another, and it would happen upon the construction contended for by the person before you, that in Cities and villages where the hiring of tenements and a general change of residence are annual, that a man might be subject to do Militia duty and yet evade performing it altogether by changing his residence every year. Accordingly, Courts Martial in the City of New York have, I believe, invariably adopted and enforced the construction first above mentioned.

If the person to whom you allude has once had the benefit of the six Months to equip, my present opinion is that, by the best construction of the first section of the Militia law of the United States, he is not entitled to that indulgence a second time.

I am, Sir, respectfully,

Your obedient Servant,

Daniel D. Tompkins.

Mr. Zegar Van Santvoort.

CHANGE OF RESIDENCE NOT TO INVALIDATE AN OFFICER'S COMMISSION.

Albany, December 5th, 1811.

Sir:—

Your letter of November 22nd came to hand yesterday, and I have to premise in answer thereto, that the principal difficulty seems to be whether in consequence of the qualification by Mr. Lusk to his Major's Commission in another County than that of his residence, he is to be respected and recognized as legal commandant of the Cataraugus (?) Battalion? I think he is so to be respected and recognised, (?) notwithstanding that circumstance,

because in the first place, it may be questionable whether his superior officers after being notified of his having qualified, can with any propriety take upon themselves to determine the legality of the form or place of administering the oaths of office to him; inso-much as that matter seems to concern solely the appointed officer himself and the person who qualifies him, the former of whom, if he act in the office without being qualified according to law, forfeits his office and is, moreover, liable to punishment for a misdemeanor, both of which penalties result from conviction before a Civil tribunal.

Secondly, even if the superior Military officer has jurisdiction of the case and be not obligated to recognise (?) any person as an officer under him who has not taken the oaths in strict conformity to Law, yet I confess there appears to me nothing in Major Lusk's case which invalidates his pretensions to be regarded as the legal Major Commandant of the Battalion. You will Sir, recollect that by the third and last Section of an Act of the Legislature passed in 1809 (see public laws of 1809, page 137), the power of County Clerks with respect to the administration of official oaths, was enlarged and that instead of being confined, as they antecedently were, to officers appointed in and for their respective Counties, each Clerk is now by the section above mentioned authorised (?) to administer such oaths to every person who shall be appointed to any office Civil or Military, without regard to his residence or the limits of his official authority. The former mode of empowering persons by special *dedimus potestatem* to administer Oaths of office is, of course, abolished. The Rolls however, are still to be disposed of in the manner specified in the General law relative to Oaths (I Vol. of Revised laws of New York, page 404). But should the Clerk of Allegany omit to return the Roll to the Clerk

of Niagara, according to law, that neglect will not impair the rights of Mr. Lusk because he cannot controul (?) the conduct of the Clerk, or enforce his performance of the duty required by the General law; nor will the legality of his having qualified before the Clerk of Allegany be tested by such omission of the said Clerk. The view which I have thus presented of the case submitted by your letter is the result of first impressions and may be very imperfect. Your letter solicited a speedy answer and I have complied with your wishes in that particular so far as relates to the question of law.

The manner in which I have disposed of the legal question supersedes the necessity of my making any observations upon your complaining of the conduct of Mr. Lusk for disobedience of your orders; but had my opinion inclined to the other side of the main question, it is but Justice to apprise you, that I should not have expressed any opinion upon that part of your communication; because it does not appear that Mr. Lusk was notified or served with a copy of your complaint against him as is required by a General Order of the 9th of July last. I presume you received a copy of that order, as I left one for you at Mr. Langdon's, Buffaloe, in August last. But for fear that copy may have miscarried I now enclose another, and hope you will duly appreciate my motives in reminding you of what the Order itself plainly indicates, that commandants of Brigades who neglect to make their returns, &c., in the manner and within the time therein specified, will be reported to the Council at their next Session.

I am, Sir, with respect,

Your Obedient Servant,

Daniel D. Tompkins.

General Timothy S. Hopkins.

NO EXEMPTION FOR MR. VAN ANTWERP.

Albany, December 11th, 1811.

Sir:—

The case of Mr. Van Antwerp presents no difficulty. I apprehend however, from one expression of yours about his not having served four years, that you misconstrue the law of 1809 as to officers resigning after the date of that law. The latter part of the 13th Section of the law of 1809 is prospective only, and enacts that nothing contained in that Section shall exempt any Officer of the Militia of this State who shall at any time resign his Commission &c., unless he shall have engaged in the regular discharge of duty for ten years. Now, that was a provision for future cases and applied exactly to the situation of Mr. Van Antwerp, who resigned or voluntarily abdicated or relinquished his Military station after 1809.

The 57 Section was retrospective and applied to officers who had resigned before the passing of that Act, and declared that those of them who had served less than four years might be fined One dollar for delinquency at a Company parade, and two dollars for Battalion or Regimental parade, with this proviso in their favour, that the fine should not be increased to Five dollars on them. The other description of Militia officers, namely such as had resigned before the passage of the Act of 1809, and had served more than four years, are by clear implication, tho' not by express terms, exempt altogether.

Mr. Van Antwerp comes within the description of officers referred to by the thirteenth section, and there can be no doubt, as he did not serve ten years, his having a Commission for a less period, constitutes no excuse or cause of Exemption whatsoever.

The question of residence, is one which I cannot decide without

being acquainted with the facts. If Mr. Van Antwerp came to Schenectady with his family, domestics and furniture and sat down and pursued business there, he immediately became a resident liable to be enrolled in the Militia. Whether he is entitled to Six Months to equip can be decided by my letter of the 2nd Instant. I am very apprehensive, however, that all Mr. Van Antwerp's excuses are untenable.

Mr. Page, you say, holds a Cadet's Warrant. He, of course, is connected with the Army of the United States, does Military duty there, receives the pay and rations of regular service, and is beyond all doubt, whilst he holds his Warrant, exempt from serving in the Militia.,

I am, Sir,

Your obedient servant,

Daniel D. Tompkins.

Zegar Van Santvoort.

RULES REGULATING PROMOTION.

THE GOVERNOR CITES A GENERAL ORDER FOR THE ADJUSTMENT OF
DISPUTES.

Albany, December 11th, 1811.

Sir:—

Upon the receipt of your complaint, I addressed a line to Col. Veeder, representing your case and requesting an explanation. This produced an answer on his part — a reply on mine — and a second letter from him. The result of which, including a copy of that correspondence I intended to forward to you on my arrival in this City, but my Private Secretary was then and is still absent. The first Section of the Militia Law passed 29th March, 1809 (see public laws of 1809, page 191), declares, that all officers of Infantry shall rise and receive promotion in their respective Companies, Battalions and Regiments. Now, if the vacancy for Lieutenant,

to which the other Gentleman was promoted, were in the Company of which he was Ensign, nothing can be more certain than that he was entitled to the promotion by virtue of the above law; otherwise the promotion by Company would have been violated. On the contrary, if the vacancy occurred in the Company of which you were Ensign, then it was equally your undisputed right to receive the promotion. And, lastly, if the vacancy were in any other Company, neither of you had any claim to promotion in consequence of it; for, then the right to fill it belonged to the Ensign of that other Company. In either case the dates of your respective Ensign's Commissions, therefore, had nothing to do with the question of promotion. You will please to observe, Sir, that my General Order to which you refer has relation to the adjustment of rank between officers when they come in contact or interfere; for until then it does not become necessary to adjust their relative rank.

You will admit that a Younger Major of the Albany Regiment, for example, may be promoted to the office of Lieutenant Colonel there without impairing the rights of a Senior Major of the Schenectady Regiment. Why? because the promotion of Majors is by Regiments and the Majors of one Regiment do not come in contact or interfere with the Majors of another Regiment as respects the right of promotion, and for that purpose, therefore, it is immaterial what may be the dates of the respective Major's Commissions. So in like manner an Ensign of one Company of the same Regiment may be promoted to a Vacant Lieutenancy in that Company without injuring the rights of an Elder Ensign of another Company of that Regiment, because the advancement of Subalterns is by our Militia law above cited, confined to the respective Companies; and of course, an Ensign of another Company than that in which the Vacancy happens has no more con-

cern with the promotion of the Ensign of the former in his Company than the Major of one Regiment has with the advancement of the Major of another Regiment. In either case they do not come in contact or interfere with each other for promotion. It is true that although there was no law to authorise (?) it, there was a custom before the passing of the above Militia Act in the New York, Albany and Schenectady Regiments to rise by Regiment throughout, that is to say the senior Ensign in the Regiment filled the first vacant lieutenancy in any Company of the Regiment but that unsanctioned usage cannot now control a positive law to the contrary.

The length of this Letter and the repetitions contained in it have proceeded from a desire to make myself fully intelligible to you, so that you may be perfectly satisfied that until it be made known to me in what Company the vacancy occurred it will be impossible for me to determine whether you have been injured or not.

The information you have received, that statements have been made to me contradicting or impeaching your assertions, is unauthorized (?) and unfounded. I have never held conversation with or received a communication from any person upon the subject excepting Col. Veeder, and his letters which are perfectly fair and candid, you can examine whenever you think proper.

I am, Sir,

Your Obedient Servant,

Daniel D. Tompkins.

Mr. William McClymon.

EVEN BRIGADE COMMANDERS ARE AFFECTED BY THE FEVER.

Albany, January 3rd, 1812.

D'r Sir:—

Yours of the 23rd Ult. was received on the 31st. Previously to the receipt of that Letter I had been furnished with a communi-

cation from General Hopkins upon the same subject. From his representation however I did not learn that there was any dispute to whose Brigade Lusk's Battalion belonged, but the only question appeared to me to be whether Lusk had any right to command or be regarded as Major of the Battalion in Olean, Cataraugus (?) County, inasmuch as he had not taken the Oaths of Office in Niagara County, to which Cataraugus is attached, but had taken them in Allegany? To this I answered that by an Act of 27th March, 1809 (public Laws of that Session, page 137), Judges and Clerks of Counties might qualify all officers whatsoever whether appointed for their County or not, and that therefore Mr. Lusk's qualification was legal, although it took place before the Clerk of Allegany. The question which you now present is one of more delicacy and difficulty, and results from the want of having our Divisions, Brigades, Regiments, &c. numbered. The Commission would not then have any reference to the territorial limits of the Corps, but only to its number, and the General Orders establishing the limits or territorial jurisdiction of the Officer would be resorted to for the purpose of ascertaining the extent of his Command. Strictly speaking, the Commission confers the office and the rights, emoluments and honours thereof, and General Orders assign or designate the command.

In the present case, former General Orders annexed the Battalion in Olean to your Brigade and by the Commission of a Brigadier for Niagara, it is said that he is empowered to command all the Militia in Niagara, Chatauque (?) and Cataraugus (?) Counties, which includes the Battalion in Olean. If the words quoted by General Hopkins be in his Commission there has been some mistake, and therefore without deciding which ought to have preference in deciding the command in this instance, the

Commission or the previous General Order, I will merely mention that upon a statement of the case the mistake will be rectified by the Council, and the Battalion in Olean will then be attached to your Brigade or to that of Genl. Hopkins' accordingly as the convenience, prosperity and discipline of the Battalion may dictate. You must excuse me for reminding you of the General Order of the 9th of July last, and that it will be strictly enforced against all officers who shall neglect to make their returns in the manner and by the times therein specified.

I am, D'r Sir, with much regard,

Your Obedient Servant,

Daniel D. Tompkins.

General George McClure.

THE WANT OF A UNIFORM SYSTEM OF REGULATIONS.

GOVERNOR TOMPKINS INTIMATES THAT THE CONFUSION OVER DISCIPLINE CAN BE SETTLED ONLY BY CONGRESSIONAL ACTION.

Albany, January 3rd, 1812.

Sir:—

In answer to your Letter of Yesterday, I have to observe that Congress alone are competent to prescribe a system of Discipline which the several Corps of the Militia can be compelled to respect and practice. The want of some uniform national scheme of Tactics suited to the Service and duties of every description of Troops is seriously felt by all the officers. During the last Session of Congress, a compendious system of discipline was printed for the use of the Senate, part of which was sent to me by Doctor Mitchell,* but he afterwards apprised me that the call for them was so great that he could not continue to send me the numbers regularly. I have written to him and others upon the same subject lately. I also observe that the President is to be formally

*Dr. Samuel L. Mitchell, then United States Senator.—STATE HISTORIAN.

requested to communicate to Congress the Rule or system of Tactics by which the Regular troops are governed and disciplined. The President's answer will probably bring to light something upon the subject. I concur with you in the propriety and necessity of some established regulations which may introduce uniformity and expertness in discipline. I have been withheld from selecting and recommending a form for the adoption of the State Legislature solely by the Act of Congress which prescribes the Rules and Regulations of 1779, and by the consideration that after we had gone to the expence (?) and trouble of establishing, publishing, learning and putting in practice one set of rules of discipline, Congress might prescribe another and different system which would render ours nugatory. The moment I can obtain from the General Government any information or authority upon this subject, or be advised of any treatise on or form of Tactics which will be regarded by the national Government as authentic, I shall hasten to give it the utmost publicity so that the officers of this state may be amongst the first to avail themselves of it.

I am, Sir, respectfully;

Your Obedient Servant,

Daniel D. Tompkins.

Major Wm. S. Parker.

ADJUTANT GENERAL PAULDING RENDERS OPINIONS ON TWO DISPUTED-
QUESTIONS.

Adjutant General's Office,*

City of New York, 21st September, 1809.

Sir:—

I regret that my absence from New York has prevented me from sooner answering the following Questions, which were stated in your Letter of the 2nd Instant:

*From this down to and including one-half of page 597 will be found correspondence of the Adjutant-General on Military Subjects.—STATE HISTORIAN.

First Question. "Are Militia officers resigning previous to the passing of the late Militia Law of this State, pleading no other exemption, liable to be called upon to do military duty at this time or not; not being reappointed?"

Second Question. "Are those that were commissioned in any other of our States, and moving into this, equally as liable to do Military duty (not being reappointed) nor pleading any other exemption?"

Answer to the first Interrogatory:

I am of opinion that when any person has, in strict conformity with the provisions of the Act entitled, "An Act to organize the Militia of the State," passed the 7th day of April, 1801, and the acts amending the same, resigned a Commission which he formerly held in the Militia of this State, and his resignation has been accepted of by the competent authority, he is not liable to do duty in the Militia as a private.

See the last proviso of the thirty-sixth section of the Act of the 7th April, 1801; the tenth section of the Act to amend, &c., passed 5th April, 1802; and the third section of the supplementary Act of the 5th April, 1803.

Answer to the Second Interrogatory:

I am also of opinion that any person that has heretofore been a commissioned officer in the Militia of any of the United States is not exempted in consequence thereof from serving in the Militia of this state, unless he has served as an officer in the Militia of any of the said United States in the course of the Revolutionary War, and did not desert the standard of his Country and join that of the enemy; and provided also such officer has not since been commissioned in the Militia of this State, to a rank equal to that which he held in that war and refused to accept the same without giving satisfactory reasons therefor to

the Council of Appointment. See the 36th Section of the Militia Law of the 7th day of April, 1801.

I am very Respectfully, Sir,

Your Obedient Servant,

Wm. Paulding, Jun., Adjutant General.

THE CASE OF LIEUT. STEPHEN CLARK.

Adjutant General's Office,

Albany, 15th March, 1811.

Sir:—

It having appeared from your return of Eighteen hundred and ten, of recommendations for promotion and appointments in Col. Yates' regiment, that Lieutenant Stephen Clark was superseded on your allegation that he "was not competent to do the duties of his office," you are therefore hereby required to verify this charge to the satisfaction of the honourable the Council of Appointment, on Monday next at Eleven O'clock in the forenoon of that day at the Capitol in this City.

Your obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Major Thomas Davis,

Troy.

DELINQUENT INSPECTION RETURNS.

Adjutant General's Office,

City of New York, 16th March, 1811.

Sir:—

I have the honor herewith to transmit to your Excellency, duplicate inspection returns of the Militia of the State of New York for the Year One thousand Eight hundred and ten.

Although inspection returns of divisions and brigades are by law required to be transmitted to the Commander in Chief on

or before the first day of February in every year, yet this legal injunction is not, I believe, very scrupulously complied with. Even at this protracted period, inspection returns of the divisions of Artillery and Cavalry, and of several of the brigades of Infantry, have not been received at this department. In the present general return, therefore, these omissions have been supplied by recurring to the returns of preceding years of such delinquent Generals. And hence it necessarily results that my returns do not furnish the actual number of Men enroled (?) and inspected the last year.

I have the honor to be,

With sentiments of the highest respect,

William Paulding, Jun., Adjutant General.

His Excellency Governor Tompkins.

COL. DORR ACKNOWLEDGES WANT OF CONFIDENCE IN HIS OFFICERS.

Adjutant General's office,

City of Albany, 16th March, 1811.

Sir:—

In the Enclosed return, which ought in the first instance to have been sent to you, and by you transmitted to this department, Col. Dorr alleges as a cause for not recommending some of his officers for promotion, that it is "thought not expedient to bring them forward." The honorable the Council of Appointment expect to be particularly informed of the reasons which have induced Col. Dorr to form that opinion, that they may judge of its propriety.

I am very respectfully, Sir,

Your obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Brig'r Genl. Fort,

Hosick, (?) Rensselaer County.

GEN. KIRKLAND INSTRUCTED TO EXERCISE HIS AUTHORITY.

Adjutant General's office,

City of New York, 9th April, 1811.

Sir:—

I was this day honored with your Letters of the 27th Ult. and of the 1st Inst. The accompanying return, of recommendations for promotions and appointments, was not received in time to be submitted to the Council of Appointment previously to their next session.

Inspection returns of Artillery are to be made to this department only by the Major General commanding the division of Artillery, as will appear by a reference to the 21st Section of the Militia Law of 1809.

You complain of embarrassments and delays proceeding from the misconduct of your inferiors. If, General, your lawful commands have been neglected, you doubtless are invested with a very plenary power to cause them to be respected, or to punish their infraction. It seems, moreover, to be a duty every officer owes to himself, and to the state, not to suffer his authority to be treated with contempt, but to see that the Militia Laws are strictly enforced within the precincts of his Military jurisdiction.

Accept, General, the assurance of my respect & Esteem,

Wm. Paulding, Jun., Adjutant General.

Brig'r General Joseph Kirkland,

New Hartford, Oneida County.

CAPT. ELBERT ANDERSON, FOR REASONS, DENIED A FURLOUGH.

Adjutant General's office,

City of New York, 1st June, 1811.

Sir:—

I have been directed by the Commander in Chief, to acknowledge the receipt of your application to him for a furlough, and to signify to you his pleasure in relation thereto.

To his Excellency it seems perfectly reasonable that whenever an officer of the Militia is with his Corps, he should discharge the duties enjoined by his station unless he shall be necessarily prevented from so doing. As it does not appear that your contract with the Federal Government will require your constant attention, or oblige you to be absent from your Regiment the whole of the time for which you have requested a furlough, the effect of such an indulgence might be to exempt you from the performance of Militia Service in cases where really your obligations to the Government of the United States, might leave you at perfect liberty to attend to your subordinate duties as an officer of the Militia. Should however, your engagements with the Federal Government interfere with and prevent you from fulfilling your Militia duty, the discharge of your obligations to the United States is to be regarded as the performances of duties paramount to any claim of Militia service, and ought to be taken and admitted by your superior officers as furnishing a full, and satisfactory justification of any apparent neglect, or disobedience, which may have been thereby occasioned.

Under these circumstances the Commander in Chief is of opinion it does not appear necessary, and would therefore be improper, to grant you leave of absence.

I am, &c.,

Wm. Paulding, Jun., Adjutant Genl.

Capt. Elbert Anderson,

New York.

AN OPINION ON MILITARY EXEMPTION.

Adjutant General's office,

City of New York, 20th September, 1811.

Sir:—

Very pressing public business has prevented me from sooner

answering the Letter you did me the honor to write to me on the 30th Ult. It will, I presume, have occurred to you that the first section of the Militia Law of the United States, passed the 8th day of May, 1792, is general both in its terms and application; and has reference not merely to an individual state but to the United States. It must follow, therefore, as a necessary deduction, that if any person subject to do Military duty in the United States, shall have ever been legally enroled (?) in the Militia, thereof, it is unimportant in what part of the United States, or in what town or county of any particular State the enrolment was made; and that no such person can of right claim even a momentary exemption from Military service, where the period of six Months shall have elapsed since he was first registered for Militia Duty within the territorial limits of the United States.

If this opinion, which has received the Sanction of his Excellency the Commander in Chief, shall be deemed correct, it results of course that the mere circumstance of a change of Residence from one Company beat to another, or from one town, County, or State, to another, cannot possibly constitute a lawful claim to six Months, or any other indulgence whatever for the purpose of providing Arms and accoutrements.

It will at all times afford me much pleasure to receive any information, touching the Interests of the Militia, which you may think of sufficient importance to make the subject of a communication to me.

I am very respectfully, Sir,

Your obedient Servant,

Wm. Paulding, Jun. Adjutant General.

Brigade Major Roof,

Somers, West Chester County.

STRAIGHTENING OUT MOOTED POINTS.

AS TO THE RIGHTS AND AUTHORITY OF THE COLONEL WHEN HIS
REGIMENT IS DIVIDED INTO TWO BATTALIONS.

Adjutant General's office,

City of New York, 24th Sept., 1811.

D'r Sir:—

I did not receive your Letter of the 19th August last until ten days after it had been written, and then I was engaged and have been ever since, in the discharge of very pressing public business, which has prevented me from sooner replying to it, and the one of the 28th of the same Month, with which you have since honored me.

I now do myself the pleasure of transmitting to you answers to the following queries, which form the subject of your Communication:

Question first. "Are orders for battalion parades to be issued
"by the Col. Commandant of the Regiment, or has each Major
"one Battalion under his particular charge, and to issue Orders
"for Battalion parades?"

Question second. "Is a Regiment to be divided for battalion
"parades by the Colonel, at his discretion, as is most convenient
"from the district of Country, so as to include the one-half of the
"Regiment, or must the Battalion be numbered One and two, and
"be formed from the different companies according to the rank
"of their Captains?"

Question third. "Is it the duty of the Colonel to attend the
"respective battalion parades? Does he of right take command,
"and may he require both Majors and the Staff to attend such
"Battalion parade, and perform duty in all respects as at Regimental parades, or has either Major a right to train and exercise the battalion at a battalion parade, independent of the

“Colonel and in disregard of his orders; he being present and claiming to command?”

Question fourth. “Has a Captain in a Regiment, having accepted the commission of and acting as Brigade Major, a right to continue as Captain or is his Captaincy vacated?”

Answer to Question first:

“As the 46th Section of the Militia law of 1809 & the 15th Section of the amendment, thereof, passed in 1810, do not in my opinion designate by whom the battalion parades, of battalions formed into Regiments, are to be Ordered, the right of directing them would seem very properly to reside in the several Commandants of Regiments, unless their respective Brigadiers-General should previously have prescribed the time and place of such battalion parades.”

Answer to Question the Second:

“As soon as a Regiment is Organized, it is to be arranged by its Commandant into two battalions, usually denominated first and second, each comprising the same number of companies where their numbers in a Regiment are equal. In making which arrangement a strict regard should be had to the claims of rank, in all cases where promotions are restricted to the battalion, provided it can possibly be reconciled to a due attention to the convenience of the respective companies. Any new description of a Regiment into battalions not called for by the necessity of the case, inasmuch as it might degrade, or affect the rank of the Captains, would constitute a just subject of complaint.”

Answer to Question the third:

“It is optional with the Commandant of a Regiment to attend, or not, the battalion parades of the same. When however, he is present at them and in uniform he may of right claim and exercise the command thereof; but he cannot legally require both

“ Majors or the staff to attend such parades. The Majors must
“ be present at the parades of their respective battalions, and the
“ staff only when the Regiment is paraded.”

Answer to Question the fourth:

“ It is not unusual in the Militia for Officers of the Staff to hold
“ and exercise a command in the line. Whilst they do so they
“ may be punished for the nonperformance of their duty in the
“ same. They are however, entitled to promotion in the line, ac-
“ cording to their line rank, without having or exercising any
“ actual command therein.”

His Excellency the Commander in Chief concurs in the above opinion, and authorizes me to mention it as his impression, that where the staff and line office are of different grade, where the actual performance of the duties of both offices at one time are frequently impossible, and where the promotion of a line officer may be unreasonably hindered or retarded by it, the Council of Appointment is the proper tribunal to grant redress upon a full representation of all the circumstances.

I am very respectfully, Sir,

Your obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Lieut. Col. (James) Talmadge,

Poughkeepsie, Dutchess C'y.

FIELD ARTILLERYMEN NOT REQUIRED TO CARRY EQUIPMENTS OF
INFANTRY.

Adjutant General's Office,

City of New York, 8th October, 1811.

Sir:—

In the letter you did me the honor to write to me on the 25th day of September last, you request my answers to the following Questions:

First Question. "Are Men while actually equipping in an Artillery Company to be held liable to do duty during the year in the Companies they formerly belonged to, or in that in which they have enlisted?"

Second Question. "Are Artillery Men after being provided with field Ordnance in any case, obliged to furnish themselves with small arms?"

Third Question. "Is it necessary to have a conveyance made in fee simple to the State, of the ground on which the Gunhouse is to stand?"

Answer to the first Question:

"Men who have enrolled themselves, and are actually equipping in an Artillery Company, but who are not yet armed and equipped as the law prescribes, are liable to do duty in the Companies in which they were previously enroled, while they continued to reside within the beats thereof."

Answer to Question Second:

"Whenever Companies of Artillery shall have been provided with proper ordnance or field Artillery, it will not then be necessary that they furnish themselves with the equipments of privates in the Infantry."

Answer to the Third Question:

"It is requisite that a conveyance be made to the People of the State, of the ground upon which a Gun house is to be erected, for the time it may be used for that purpose."

To prevent misapprehension, I take the liberty of intimating to you that the subject which forms the substance of your third interrogation falls exclusively within the province of his Excellency the Commander in Chief; and that his Excellency only is to designate the local position of Gun houses.

Mr. John McLean, Jun'r, of Albany, the Governor's private Secretary, will give you every necessary information on this subject.

I herewith do myself the pleasure of transmitting to you an Order of his Excellency the Commander in Chief, for a brass nine-pounder for the use of your Company.

I am, Sir,

Your Obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Capt. Sam'l Drake,

Waterford.

THE RIGHTS OF ADJUTANTS TO PROMOTION.

Adjutant General's Office,

City of New York, 14th October, 1811.

Sir:—

In your letter of the 30th day of Sept'r last addressed to the Commander in Chief, you request an answer to the succeeding Question:

“ Does an Adjutant, appointed previous to April 1810, if he was
“ not taken from the line, take rank as Captain from the date of
“ his Adjutant's Commission; and is he entitled to promotion to
“ a Majority, in case of a Vacancy, when his Commission as Ad-
“ jutant is elder than any Captain's? ”

To this enquiry I am commanded by his Excellency to communicate the following reply:

“ The third Section of the Act of Congress, passed the 8th day
“ of May 1792, entitled “ An Act more effectually to provide for
“ the national defence by establishing an uniform Militia through-
“ out the United States ”, gives to Adjutants the rank of Lieu-
“ tenants. And the 23rd Section of “ an Act to amend an Act

“entitled, an Act to Organize the Militia of this State” passed “the 2nd day of April 1810, enacts that such Adjutants of Regiments, or Battalions who are not commissioned officers of the line, shall be entitled to promotion in the same manner as they would be by the 4th Section (meaning the 7th Section) of the Act hereby amended, in case they had been commissioned as lieutenants in the line of their respective Regiments or Battalions, at the time they were commissioned as Adjutants respectively.

“These provisions of the Militia Laws having declared that Adjutants are to rank as Lieutenants, and the said 23rd Section having further enacted that those who were Adjutants at the time of its passing, were entitled to promotion in the same manner as if they had been commissioned as Lieutenants at the time they were appointed Adjutants, it is, therefore, very manifest that such Adjutants rank as Lieutenants and not as Captains.

“When, however, the commission of such Adjutant of a Regiment, or Battalion, is prior in date to the commission under which the senior Captain thereof acted immediately preceding his promotion to a Captaincy, and the place of Major in the said Regiment, or battalion is vacant, then in such Adjutant to be promoted to a Majority in preference to such senior Captain, notwithstanding there may be other Captains in the said Regiment, or Battalion, whose former commissions of Lieutenants were elder in date than the said Adjutant’s Commission.

“There is in fact no other construction of the 23rd Section of the Law previously recited, by which complete effect can be given to the right it secures to the Adjutants of Regiments and Battalions, according to the established rules of promotion.

“In all such cases the question of rank is not between the Adjutant and the Captains of the Regiment, or Battalion, generally, but between him and the Senior Captain thereof, and with this necessary restriction, it must be decided agreeably (?) to the Ordinary principles applicable to the determination of Military precedence.”

I am, Sir,

Your Obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Daniel Stanton, Esq.

MILITARY LETTERS AND PACKETS ADDRESSED TO THE ADJUTANT-GENERAL BY GENERAL OFFICERS FRANKED BY ACT OF CONGRESS.

(Circular.)

To the Majors and Brigadiers General of the Militia of the State of New York.

Adjutant General's Office,

City of New York, 4th Nov.'r, 1811.

Sir:—

I have the honor to communicate to you the following Section of a Law of the United States, authorising (?) you to frank Military Letters and packets addressed to the Adjutant-General.

In conducting your official intercourse with this Department, it is presumed you will feel disposed to avail yourself of that privilege.

Accept, General, the assurance of my respect.

Wm. Paulding, Jun., Adjutant General.

AN ACT

Regulating the post office establishment passed the 30th day of April, 1810.

Section 39, And be it further enacted, that the Adjutant General of the Militia of each state and territory, shall have right to receive, by Mail free of Postage, from any Major or Brigadier General, thereof, and to transmit to said Generals, any Letter or Packet, relating solely to the Militia of such state or territory; Provided, always, that every such officer before he delivers any such letter or package for transmission, shall in his own proper hand writing on the outside thereof, endorse the nature of the papers enclosed, and thereto subscribe his name and office, and shall previously furnish the Post Master of the office, where he shall deposit the same, with a specimen of his signature; And if any such officer shall frank any Letter or package in which shall be contained anything relative to any subject other than of the Militia of such state or territory, every offender shall, in conviction of every such offence, forfeit and pay a Fine of Fifty dollars.

The following is the form of franking.

Military.

Free. A. B.

Major or Brig'r Genl.

William Paulding Jun'r,

Adjutant General,

New York.

GENERAL JOHN SWIFT EVIDENTLY YEARS AHEAD OF HIS TIME.

Adjutant General's office,

City of New York, 12th Nov'r, 1811.

Sir:—

His Excellency the Commander in Chief has instructed me to acknowledge (?) the receipt of a Letter from you without date, and to communicate to you the following reply to that part of it only which it is deemed requisite to answer:

It is not customary to issue General Orders announcing the annual Military promotions and appointments made in the state. Such intelligence is usually obtained from the Clerks of the respective Counties, to whom the Commissions of officers newly appointed or promoted are transmitted, with as much expedition as circumstances will permit. It will, therefore, be extremely easy to procure from the Clerk of your County such information as will remove your embarrassments, by disclosing to you the names of the officers belonging to your brigade. Of the officers appointed in the Regiment to which you have adverted, the one highest in rank, who has accepted his commission, and taken the necessary Oaths, is of course to command it, and to whom your Orders for that Regiment are to be communicated.

I am,

Your Obedient Servant,

Wm. Paulding, Jun., Adjutant General.

Brig'r Genl. John Swift,

Palmyra, Ontario County.

AS TO COURTS MARTIAL AND COURTS OF INQUIRY.

Adjutant General's Office,

City of New York, 16th Nov'r, 1811.

Sir:—

I have been favored with your Letter of the 2nd Inst., and haste to reply to such parts of it, as call for an answer.

You have requested information upon the following points:

1st. You wish to be informed of Brigadier Ellis' place of Residence, and the division to which he is attached?

2nd. You desire to know whether there is any limitation to an Officer's taking his commission.

3rd. You have enquired whether, in all cases, it is necessary, to institute a Court of Enquiry upon the conduct of an offending officer, or whether he may be immediately arrested and tried by a Court Martial.

Answer to the first enquiry:

Brig'r General Ellis resides in the Town and County of Onondaga, and belongs to the fifth division of Infantry commanded by Major General Myers.

Answer to the second Enquiry:

An officer is not precluded from accepting his commission, until he shall have been regularly served with a Writ of Superseas.

Answer to the third Enquiry:

By the 93d Section of the Militia law of 1809, general officers are empowered to institute Courts of Enquiry; but their power is restricted to cases only where the improper conduct of an officer is degrading to the office which he holds.

General Courts Martial however, are authorised (?), by the 73 Section of the same Act, to punish according to the nature and degree of the offence, by private or public reprimand, suspension or removal from office, &c. And hence, it is manifest, the Jurisdiction of the former is limited to special cases; while that of the latter is general and embraces every transgression which, by the Laws of the land, may be judicially noticed by a General Court Martial. It follows therefore, that there are offences, triable by such Court, of which a Court of Enquiry can take no cognisance (?); and consequently that it is not necessary in every instance, but, on the contrary, that in many cases there exists a legal impossibility of instituting a Court of Enquiry, antecedently to the convening of a General Court Martial. In-

deed, there is no statutory provision making it necessary, under any circumstances whatever, to convene a Court of Enquiry, as an indispensable prerequisite to the trial of Military delinquencies by a General Court Martial.

I am, therefore, of opinion that whenever the Act of guilt, charged to have been committed, is susceptible of a clear and formal specification, as to the offender, the nature of the offence, and the time and place when and where it was committed, it ought in the first instance to be judicially investigated by a General Court Martial, and that the only legitimate subjects whereon a Court of Enquiry may properly be called upon to interpose its inquisitorial authority, are those which comprise acts of Indecency, inebriation, and such other offences against public Morals, as have a tendency to draw down odium upon the office, and to degrade it in the estimation of Military Men.

Accept, Sir, my respectful consideration,

Wm. Paulding, Jun., Adjutant General.

Robert Swartwout, Esq.,

Pompey, Onondaga County.

MORE ON THE SUBJECT OF EXEMPTION.

Albany, Dec'r 2nd, 1811.

To Van Santvoort.

Sir:—Your letter of the 29th ultimo was received by me yesterday, on my return to this City. The construction of the first section of the Military law of the United States is certainly liable to doubt and difficulty; but the better and more universally adopted opinion is that a citizen of the United States liable to do Militia duty, who has been duly enrolled and notified to equip himself, and who has once had the benefit of the indulgence of six months for that purpose, is not entitled to the privilege

again. That this is the true Spirit of the Law is evident by several of its provisions. It is to (be) inferred from the clause which exempts equipments from all suits, distresses, executions or sales for debt or for the payment of Taxes, that Congress did not contemplate a repetition (?) of the aforesaid indulgence, and that the last mentioned provision was designed to obviate the necessity of a second six months' notice to equip.

The words of the law extend as well to a citizen moving from one beat to another in the same state, as from one state to another; and it would happen upon the construction contended for by the person before you, that in Cities and Villages where the hiring of tenements and a general change of residence are annuals, a man might be subject to do Militia duty and yet evade performing it altogether by changing his residence every year.

Accordingly, Courts martial in the City of New York have, I beleive (?), invariably adopted and enforced the construction first above mentioned. If the person to whom you allude has once had the benefit (?) of Six months to equip, my present opinion is that by the best construction of the first section of the Militia Law of the United States he is not entitled to that indulgence a second time.

I am, &c.,

Signed,

D. D. Tompkins.

THE GOVERNOR MILDLY REPRIMANDS GENERAL HOPKINS.

Albany, Dec'r 5th, 1811.

To Brig'r Genl. Timothy S. Hopkins,

Buffalo, Niagara County.

Sir:—

Your letter of Nov'r 22nd came to hand yesterday, and I have to premise in answer thereto, that the principel (?) difficulty seems to

be whether in consequence of the qualifacation (?) by Mr. Lusk, to his major's commission in another county than that of his residence, he is to be respected and recognized as legal commandant of the Cattaragus (?) battalion? I think he is so to be respected and recognized notwithstanding that circumstance; because, in the first place, it may be questionable whether the superior military officers after being notified (?) of his having quallified (?) can with propriety take upon themselves to determine the legality of the form or place of administering the Oaths, insomuch as that matter seems to concern solely the apointment (?) officer himself and the person who qualifies him; the former of whom if he acts in the office without being qualified (?) according to law, forfeits his office, and is moreover liable to punishment for a misdemeanor, both of which penalties result from conviction before civil tribunals. Secondly; if the superior officer has Jurisdiction of the case and be not oblided (?) to recognize any person as an officer under him who has not taken the Oaths in strict conformity to Law, I confess there appears to me nothing in Major Lusk's case, which invalidates his pretensions to be regarded as Major commandant of the battalion.

You will recollect, Sir, that by the third and last Section, of an Act of the Legislature passed in 1809 (See public laws of 1809, page 137) the power of County Clerks, with respect to the administration of official oaths, was enlarged, and that instead of being confined to officers appointed in and for their respective Counties, they are now by the Section above mentioned, authorized to administer such Oaths to every person who shall be appointed to any office civil or Military. The former mode of empowering persons by special dedimus potestatem to administer oaths to others than County officers is of course abolished. The Rolls, however, are

still to be disposed of in the manner specified in the general law relative to oaths (first volume New York revised laws, page 404).

But should the clerk of Allegany omit to perform his duty of returning the Roll of Mr. Lusk's oaths of office to the Clerk of Niagara, he alone will be amenable for that neglect; for as Mr. Lusk cannot controul (?) the conduct of the clerk of Allegany, or enforce his performance of the duty last mentioned, it cannot be that the rights of the former will be impaired by the omission of that duty, nor will the validity of the qualification be affected thereby.

The view which I have thus presented of the case submitted by your Letter, is the result of first impressions and may be very imperfect.

Your letter solicited a speedy answer and I have complied with your wishes in that particular so far as relates to the question of law.

The manner in which I have disposed of the legal question supersedes the necessity of my making any observations upon your complaint of the disobedience of Mr. Lusk to your orders, but had my opinion inclined to the other side of the main question, it is but justice to apprise you that I should not have expressed any opinion upon that part of your communication which censures and complains of the behaviour of Mr. Lusk because he was not notified or served with a copy of your complaint against him, as is required by a general order of the 9th July last. I presume your received a copy of that order, for I left one for you at Mr. Langdon's, Buffaloe, in August last. But for fear that copy may have miscarried I enclose you another, and hope you will duly appreciate my motives in reminding you of what the order itself plainly indicates, that a neglect to comply with the above or any

other particular of that general order will not be tolerated, and that those commandants of brigades who forbear to make returns &c. in the manner & within the time therein specified, will be reported to the Council at the next session.

I am, Sir, &c.

Signed, D. D. Tompkins.

THE MILITARY FORCE OF NEW YORK PLACED AT 100,000 IN 1811.

Adjutant General's Office,

New York, 26th Jany., 1812.

To His Excellency Governor Tompkins,

Albany.

Sir:—

I have this moment completed a draft of the general inspection return of the militia of this State for 1811, and will forward copies thereof to your Excellency at the earliest possible period.

Not one division return for the last year, and only seventeen (?) brigade inspection returns of infantry for 1811 have been received at this office. To these causes of inaccuracy in the general return, must be added the total omission of the force of the several infantry of brigades of brigadiers Van Orden, Brown and (Timothy) Hopkins, from whom there have not been any returns transmitted to this Department since those corps were organized.

The return, a copy of which I shall in a few days have the Honor of sending to your Excellency, comprises of Infantry 89,322

Cavalry 3,385

Artillery 2,619

Total, 95,326

I entertain no doubt, Sir, that a correct return would exhibit the present military force of this State at more than one hundred Thousand Men.

I have the honor to remain,

Your Excellency's ob't Serv't.,

Wm. Paulding, Jun'r, Adjutant General.

Adjutant General's Office,

City of New York, 5th Feby., 1812.

Sir:—

I have the honor herewith to transmit to your Excellency duplicate inspection returns of the Militia of this State, for the year one thousand Eight hundred and Eleven.

The numerous (?) omissions of General officers to make inspection returns of their corps, to this Department conformably to law, which cannot fail to excite equal surprise and regret, will nevertheless serve to explain the apparent disproportion between the population and the effective military force of the State. Indeed, Sir, it cannot be doubted, that a correct general inspection return of our militia would present an aggregate of more than One hundred Thousand Men.

I have the honor to remain,

Your Excellency's Ob't Sev't.,

Wm. Paulding, Jun'r, Adjutant General.

To The Com'd in Cheif (?),

Albany.

GENERAL HURD REPRIMANDED.

Adjutant General's Office,

City of New York, 12th Feby., 1812.

Sir:—

I was yesterday favoured with your letter of the 22nd ultimo, inclosing an inspection return of your Brigade for the last year;

also a battalion and regimental return of recommendations for promotions and appointments in the same. These returns ought obviously to have been received by the Commander in Chief (?) or myself on or before the first instant.

With respect to a brigade return of recommendations (?) for promotions and appointments in the brigade under your command, it does not appear that you have complied with the 67th Section of the Militia Law of 1809, which declares "That all officers commanding regiments & Battalions, shall make returns in due form of their respective corps to the Brigadier Generals or officers commanding brigades to which they belong, within one month after the annual review and inspection, together with a return stating the vacancies and other casualties in said Corps respectively, and mentioned in said returns the names of persons who are entitled to promotion in consequence of such vacancies; and the Brigadier General or Officer commanding a brigade shall from such returns last mentioned, form a brigade return and transmit the same to the Commander in Chief (?) on or before the first day of February in every year." In the annexed copy of General orders of the 9th day of July last, to which I particularly invite your attention, the above section is recited, and I pray you, Sir, to observe the very imperative tone in which the order speaks in reference to the same subject: "It is expected and required" says the Commander in Chief (?) "that hereafter, the returns for promotions and appointments will be made in the manner and by the time required by the before mentioned section; and that no return otherwise made be accepted or acted upon, unless accompanied by the most satisfactory evidence of its having been impracticable to convey the same through the legal channel.

“All officers whom it may concern, will henceforth be rigidly held responsible for the correct form and regular transmission of the returns for promotions and appointments in their respective corps.”

You must perceive, Sir, from the tenor of this extract, that so far from its being proper to grant your request “to hand your returns to the Commander in Chief (?)”, I am really constrained, not less from considerations of duty, than a respect for the Orders of his Excellency, to send back to you Douglass’ and Dutton’s returns, that you may as far as is now practicable, fulfil your duty.

I hope, General, you will duly appreciate the motives which have imposed upon me the necessity of this measure.

I am very respectfully, Sir,

Your Ob’t Sev’t,

Wm. Paulding, Jun’r, Adj. Genl.

To Brig’r Genl. J. (?) N. M. Hurd,

Cazenovia, Madison County,

RELATIVE TO COURTS-MARTIAL AND COURTS OF INQUIRY.

Adjutant General’s Office,

City of New York, 3rd March, 1812.

Sir:—

I have the honor herewith to transmit to your Excellency a report, in the form of Rules & Articles, upon that branch of martial Law, which almost exclusively relates to Courts martial & Court of Inquiry.

In the arrangement, now submitted to your Excellency’s consideration, regard was had essentially to assimilate the forms and principles of proceeding in our military tribunals, to those of the courts martial of the United States.

From a perusal of these Articles it will be apparent that I have thought it not unimportant to propose the substitution of positive enactments (?) to the more vague intimations of military usage; which are frequently unknown to the members of Courts Martial and about which the best authorities in many instances differ.

This project, of organizing our courts for the distribution of martial law, does not materially change the existing mode and rules of their proceeding, as they are understood by the best informed officers; the most essential deviation, therefrom, will be found in the one hundred and forty-third Article, which, in imitation of the United States military judicatures, extends to regimental and other inferior courts martial, an inquisitorial power to investigate complaints preferred (?) before them against the captains and subalterns of the respective corps.

I was induced to hazard this innovation upon former usage from a persuasion that while it would insure an easy, prompt, & comparatively (?) unexpensive mode of ascertaining the truth or falsity of any imputed offence, it would also prevent the more dilatory, expensive and often pernicious practice of a frequent recurrence to the institution of general courts martial; especially upon complaints ill founded & not unfrequently originating from a mere misapprehension of official authority, and duty; or in the more culpable motives of private pique & Party resentments.

I have the honor to be,

Your Excellency's Obedient Ser't.,

Wm. Paulding, Jun., Adjutant Genl.

To His Excellency The Commander in Chief (?),

Albany.

Adjutant General's Office,

City of New York, 4th March, 1812.

Sir:—

I herewith forward to you Col. Cleveland's return for promotions & appointments which you some time since sent to me; my reasons for doing so are the same as those which will be found in the letter I had the honor of addressing to you on the 12th ultimo.

Yours, &c.,

Wm. Paulding, Jun., Adjutant Genl.

To Brig'r Genl. Hurd,

Cazenovia, Madison County.

GENERALS CARPENTER AND ELLIS REBUKED.

Adjutant General's Office,

City of New York, 6th March, 1812.

Sir:—

I have received the inspection return of 1811 of your brigade, and also your return of recommendations for promotions & appointments in the same. As you have not, in conformity with the 40th section of the Militia Law of 1809, approved and signed the resignations enclosed to me of several officers in your corps, and as the latter return is not in the form required by the 67th Section of the said Law, & by the orders of the Commander in Chief (?) of the 9th Day of July last, it has consequently become by (?) duty to reconvey to you those informal papers, and to request that the resignations may, if approved, be signed by you; and that the return may be made in the manner proscribed (?) by the above general order, a copy whereof is hereunto annexed, and to which I pray your particular attention.

You will perceive, General, by adverting to these sections, and

that order, that the method of making your return was in direct contradiction to both, and that therefore its reception had become wholly inadmissible.

Accept, Sir, the assurance of my Respect and Regard,
 Wm. Paulding, Jun'r, Adj't. Genl.
 To Brig'r Genl. M. Carpenter,
 Newtown, Tioga County.

Form of heading the brigade return.

A brigade return of recommendations for promotions & appointments in the brigade of Infantry commanded by Brigadier General Mathew Carpenter, and belonging to the sixth division whereof Nathaniel King Esq'r is Major General. Dated this . . . day of 1812.

(Here insert copies of the returns of regiments & corps.)

Signed, M. Carpenter,
 Brig'r Genl.
 Adjutant General's Office,
 City of New York, 6th March, 1812.

Sir:—

The returns of recommendations for promotions and appointments in your brigade, which you recently sent to me, are not in the form demanded by general orders of the 9th day of July last. They of course, are herewith returned to you, that you may be enabled to transmit to this Department a brigade return in the manner directed by that order; a second copy whereof is now forwarded to you and will, it is presumed, receive your particular notice.

Sir, I am very respectfully,
 Your Ob't Ser't.,
 Wm. Paulding, Jun'r, Adj't. Genl.
 To Brig'r Genl. John Ellis,
 Onondaga, Onondaga County.

Form of heading your brigade return.

A brigade return of recommendations for promotions & appointments in the brigade of Infantry commanded by brigadeir (?) General John Ellis, and belonging to the fifth division whereof Michael Myers Esq'r is Major General. Dated this..... day of..... 1812.

(Here insert copies of the returns of the regts. & corps composing the Brigade.)

Signed,

John Ellis, Brig'r General.

A BRIEF COMMUNICATION TO COLONEL SNELL.

Adjutant General's Office,

City of New York, 8 March, 1812.

Dear Sir:—

Owing to the pressure of official business at the time, and ever since, I had the honor of receiving on the 24th your letter of the 10th ultimo, it was impossible for me to answer it sonner (?); and indeed, the necessity of doing so was in some degree diminished by your intention of going to Albany shortly after you wrote it; and where you would doubtless see the Commander in Cheif (?), who would give you the requisite information in relation to the subject of that letter. As you may not, however, have yet seen his Excell'y, permit me to refer you to his general order, bearing date on the 9th day of July last, and then transmitted to general officers, wherein you will find every necessary information, touching the manner and time of making returns; and which had for its object a rigid enforcement of certain sections of the Militia law of 1809; to one of which, the 67th and to that order, I beg leave to invite your particular attention.

It will afford me pleasure to give you, at all times, such intelli-

gence as you may desire and which falls within the Sphere of my office and ability.

I am with respect & Esteem,

Your Ob't Ser't.,

Wm. Paulding, Jun., Adj't. Genl.

To Leut. Col. Jacob Snell,

Palatine, Montgomeroy (?) County.

PREPARING FOR WAR.

THE GOVERNOR'S GENERAL ORDERS TO DETERMINE THE EXACT COMPOSITION OF THE MILITIA.

Adjutant General's Office,

City of New York, 12 March, 1812.

Sir:—

In general orders of the 9th day of July last, among (?) other directions therein contained, it was commanded by your Excellency that, "in order to determine accurately the number of regiments & brigades of Infantry and Cavalry of this State, commanding officers of the Brigades thereof, are enjoined by the Commander in Chief, to furnish the Adjutant-General, previously to the first Monday of November next, with returns of the number of regiments composing their several brigades, and of the names of the lieutenant-Colonels or commandants thereof;" which order was promptly issued to all those whom it concerned. It remains for your Excellency to see how far its requisitions have been complied with. To that end, I now have the honor to Report to you the names of those who have in obedience to your Excellency's commands furnished the Adjutant-General with such return, together with the time they were received, and of the names of the Generals who have not made their returns in season, or who have not made any returns whatever.

RETURNS, BY WHOM, AND WHEN, FURNISHED.

When received.	From whom received.		What corps.	Remarks.
1811.				
14th Aug't.	Brig'r Genl.	Perlee	Infantry.	
14 Octo'r.	" "	Swift	"	
17 "	" "	Ten Broeck	"	
23 "	" "	Van Orden	"	
" "	" "	T. Carpenter.	"	
" "	" "	Van Zant	"	
24 "	" "	Fort	"	
" "	" "	Rose	"	
28 "	" "	W. Martin	"	
1st Nov'r.	" "	Steddiford	"	
4th "	" "	Trotter	"	
7th "	" "	Robison	"	
13th "	" "	Ellis	"	
21st "	" "	Wadsworth	"	
22nd "	" "	Dodge	"	was rec'd after this day in my absence.
" "	" "	Hurd	"	Do
" "	" "	De Ridder	"	Do
10th Dec'r.	" "	Patchin	"	rec'd in my absence.
1812.				
4th Feby.	" "	T. S. Hopkins	"	
7 "	" "	McClure.	"	

It follows of necessity from this exposition of facts, that brigaders (?) Perlee, Swift, Ten Broeck, Van Orden, T. Carpenter, Van Zandt, Fort, Rose, W. Martin, and Steddiford of the Infantry, have furnished their respective returns in time; that brigadiers Trotter, Robinson, Ellis, Wadsworth, Dodge, Hurd, De Ridder, Patchin T. S. Hopkins and McClure, of the Infantry, have not furnished their several returns conformably to the general orders; that Brigadiers Jackson, R. Hopkins, Van Wyck (late), Cantine, Wright, Pettit, Clark, Widrig, Collins, J. Brown, German, S. Martin, Knapp, M. Carpenter, Himrod, Rea, Tillotson, Swits, D. Brown, Root, of the infantry; and Brigadiers Giles, McNeil, and Van Rensselaer, of the Cavalry, have not furnished any returns whatever.

All which is respectfully submitted to your Excellency.

Wm. Paulding, Jun'r, Adj't. Genl.

To his Excellency Governor Tompkins,

Albany.

Adjutant General's Office,

City of New York, 12th March, 1812.

Sir:—

In pursuance of general orders, bearing date on the 9th day of July 1811, it became the duty of commanding officers of Divisions and brigades, whether of infantry, cavalry or artillery, to make out inspection returns of their respective corps, and to transmit them to the Commander in Chief (?), or the Adjutant-General, on or before the first Monday of Feby. last.

The following Lists will inform your Excellency in that manner, and to what extent your Commands have been obeyed.

No. 1. A list of inspection returns received by the Adjutant General on or before the first Monday of February, 1812, from whom, what corps, and when received.

When received.	From Whom Rec'd.	What corps.	Remarks.
1811.			
10th Oct'r	Brig'r Tillotson	Infantry.	
30th "	" Swits	"	
7th Nov'r	" Robison	"	
8th "	" Steddiford	"	
18th "	" Root	"	
22nd "	" Fort	"	
" "	" Himrod	"	
" "	" Rea	"	
" "	" McClure	"	
" "	" Knapp	"	
" "	" (late) Cantine	"	
1812.			
24th Jany.	" D. Brown	"	
" "	" Pettit	"	
27 "	" Van Orden	"	
29 "	" Van Zandt	"	
30 "	" Jackson	"	
3rd Feby.	" Germain	"	
" "	" T. S. Hopkins	"	
" "	" S. Martin	"	
" "	Maj'r Gen'l. Coles	"	
			received on or after this day in my absence.
			comprising only Steddiford & Van Zandt's Brigades.

No. 2. A list of inspection returns rec'd by the Adjutant General since the first Monday of Feby., 1812; when, from whom and what corps, received.

When received.	From whom Rec'd.	What corps.	Remarks.
1812. 7 Feby.	Major Genl. Mooers	Infantry.	Comp'g De Ridder's and Wright's brig's only.
" "	Brig'r Swift	" "	
" "	" Rose	" "	
" "	" Collins	" "	
8th "	" Perlee	" "	
" "	" Ten Broeck	" "	
" "	" Trotter	" "	
10th "	" Wadsworth	" "	
" "	" Wright	" "	
11th "	" Hurd	" "	
12 "	" Dodge	" "	
14th "	" Van Wyck	" "	
" "	" De Ridder	" "	
15th "	" Ellis	" "	
2 "	" J. Brown	" "	
" "	" R. Hopkins	" "	
" "	" Giles	Cavalry	incomplete.
17 "	" Kirkland	Artillery	
" "	" Widrig	Infantry	
18th "	" Clark	" "	
20th "	" Patchin	" "	
" "	" V. Rensselear	Cavalry	
" "	" Morton	Artillery	
24th "	" M. Carpenter	Infantry	
3d March	" T. Carpenter	" "	
" "	" McNeil	Cavalry	

From an inspection of the proceeding (?) Lists, it will appear who have transmitted to this department, returns in due time, and who have not; it only remains, therefore, to name those persons who have entirely failed in their Obedience to your Excellency's orders. They are Major Generals Hathorn, Veeder, Myers, King, Hall, Todd, of the infantry; Van Rensselaer of the cavalry; Stevens of the Artillery; Brigadiers Walter Martin of the infantry and Wilkin of the Artillery.

I have the honor to remain,

Your Excellency's Obed't Servant,

Wm. Paulding, Jun., Adjutant General.

To His Excellency Governor Tompkins,

Albany.

ACCUSED OFFICERS MUST BE PRESENTED WITH A COPY OF THE
CHARGES PREFERRED AGAINST THEM.

Adjutant General Office,

New York, 14th March, 1812.

Sir:—

I have received & transmitted your return to the Commander in Cheif (?). There was only one part of it that did not comport with general Orders of the 9th day of July last; you have proposed the removal of Surgeon Pratt on the supposition of his incompetency (?). You will find in the order just mentioned, it is directed "that in all cases of a contested Rank, or other difference existing amoung (?) officers of the Militia, wherein it may become necessary to have recourse for redress to the Commander in Cheif (?), it must satisfactorily appear to him that the officer complained of, or whose rights are in any way to be affected, has in due time been furnished with a correct copy of the Petition, or other form of application, to be preferred." It does not, however, officially appear that Mr. Pratt has been duly apprised of the complaint alledged (?) against him. I have, therefore, communicated to the Commander in Cheif (?) my opinion of the impropriety of dismissing Surgeon Pratt, on the ground merely of that representation.

Heretofore there has not been any form, officially presented, of the returns you solicit; of course none can be sent to you at present.

I am very respectfully,

Your Ob't Ser't.,

Wm. Paulding, Jun., Adj. Genl.

To Brig'r Genl. Hurd,

Cazenovia, Madison County.

GENERAL VAN WYCK REMISS.

Adjutant General's Office,

City of New York, 14th March, 1812.

Sir:—

Inasmuch as the returns I had the honor of receiving yesterday from you are not in the form of a brigade return, as directed by general orders bearing date on the 9th day of July last, it has become my duty to reconvey them to you that they may be put in a legal shape. Admitting, however, your return to have been properly made out, some doubt would still have existed whether I could, with any regard to my official obligations, have received and laid before the Commander in Chief (?); considering that more than a month had elapsed since it ought, in obedience to his Excellency's commands, to have been transmitted by you to the proper department, and unaccompanied as it was with any reasons explaining the cause of such delay. These omissions are presumed to have originated from your not having received the order, or from its injunctions having escaped your notice.

To the same source may probably be traced the reason why your inspection return of 1811 was not received until (?) ten days after it was due; and that no return whatever has reached the Adjutant-General's Office of the number of regiments composing your brigade, and of the names of the Lieutenant Colonels or commandants thereof, although more than four months have elapsed since you were directed by the Commander in Chief to make such return. Influenced by these considerations, I do myself the pleasure to inclose you a copy of that Order (*) wherein you will find the duty of brigadier-generals, relative to returns, so very explicitly developed that after reading the order with at-

*See 2d vol. of general orders pa. 90 &c.

tention, it will scarcely be possible to err upon the subjects of which it treats.

I am with sentiments of respect,

Your ob't Ser't.,

Wm. Paulding, Jun'r, Adj't. Genl.

To Brig'r Genl. Van Wyck,

Fishkill, Dutchess County.

Manner of heading the Brigade return.

A brigade return of recommendations for promotions and appointments, in the brigade of Infantry commanded by brigadier Genl. John B. Van Wyck, and belonging to the second division, whereof John Hathorn Esq'r is Major General. Dated this . . . day of . . . 1812.

(Here insert copies of the returns of the regiments and corps composing the Brigade.)

Signed, John B. Van Wyck,
Brig'r General.

UNCERTAINTY AS TO COMMANDS OF MAJORS.

Adjutant Genl's Office,

City of New York, 16th March, 1812.

Sir:—

From the returns, now in my possession, of the names of commandants of regiments and the inspection returns of brigades of Infantry, I have ultimately been enabled to form a pretty accurate list of the names of commanding officers of such regiments. Presuming the returns to be correct, there will then be only two instances wherein it is possible mistakes may arise. These are where the latter returns do not definitely express whether the Majors command regiments or battalions. In those instances I

have conjectured that where the number of companies under their authority amount to eight or more, they constitute a regiment. If this inference should prove erroneous it may easily be corrected by organizing such corps into a regiment, so that it would not derange the members of the regiments should their rank be now ascertained by Lot. As I have the names of brigadiers of infantry, no difficulty will in that case occur in fixing the number of their respective brigades.

It is my desire, if your Excellency please, to arrange, agreeably (?) to law, the number of any such brigade and regiment, & to communicate the result to the proper Officers, either in a letter from the Department, or by general orders, as your Excellency shall direct.

I have the honor to remain,

Your Excellency's Hu'ble Ser't.,

Wm. Paulding, Jun.

To his Excellency's (?) Governor Tompkins,

Albany.

CORRECTING ERRORS IN RETURNS.

Adjutant General's Office,

City of New York, 17th March, 1812.

To Brig'r Genl. John Smith,

Palmyra, Ontario County.

Sir:—

From your return in October last, of the number of regiments in your brigades, and the names of the officers commanding them, it appears there were four regiments commanded by the following Lieutenant Colonels: William Burnet, Philetus Swift, Gilbert Howell, Asa Stanley.

On looking over your inspection return for the same year, I

find it comprises five regiments, under the respective commands of Lieutenant Colonels: William Burnett, Philetus Swift, Gilbert Howell, Asa Stanley, Avery Smith.

Will you, General, immediately after the receipt of this letter, inform me which of those two is the correct return?

Your ob't Sev't.

Wm. Paulding, Jun., Adjutant Genl.

ANOTHER DELINQUENT GENERAL.

Adjutant Genl. Office,

City of New York, 17th March, 1812.

Sir:—

By general orders of the 9th day of July last, brigadiers of infantry were required by the Commander in Chief (?) to furnish this Department previously to the first day of November, 1811, with returns of the number of regiments composing their brigades, and of the names of the lieutenant Colonels or commanding officers thereof. On examining such returns as have been received and are on file in my office, it does not appear that yours is among them. Nor have I been able on recurring to your brigade inspection return of the proceeding (?) year, to obtain the information sought for by those orders. This last return represents your command as embracing five regiments, two of which are subject under your (?) to the authority of Majors. Now, although Major Tillotson is most probably commandant of a regiment, since his corps is said to comprise ten companies, yet it seems very unlikely that Major Matson's corps, which consists but of three companies should have been formed into a regiment, when in fact, it does not appear to furnish men sufficient even for a complete battalion.

I will thank you, therefore, to transmit to me as soon as possible, the number of regiments in your brigade, and the names of the officers who command them.

Your most ob't Sev't.,

Wm. Paulding, Jun., Adjutant-General.

To Brig'r General John Tillotson,

Aurelius, Cayuga County.

MILITIA OFFICERS' RESIGNATIONS MUST BE APPROVED BY THE REGIMENTAL AND BRIGADE COMMANDERS.

Adjutant Genl. Office,

City of New York, 18 March, 1812.

To Maj'r Eben'r Taylor,

Bethel, Sullivan County.

Sir:—

I have this moment received your letter of the 21st ultimo, wherein you tender your resignation of Major in Col. Westbrook's regiment. You will see, Sir, in the 40th section of the Militia law of 1809, that the resignation of an officer of the Militia, must be approved of by the commandant of the regiment to which he is attached, and also by the commander of the brigade to which such regiment belongs.

And although by the same section the Commander in Cheif (?) may accept of resignations without the concurrence of the commandant of the regiment or brigade, yet it is not usual for his Excellency to exercise that authority, except in cases were (?) he deems the approbation of such Commandants to have been unreasonably refused.

You will, therefore, perceive the propriety of conforming to the established practice.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

GENERAL JOHN SWIFT TENDERS HIS RESIGNATION.

Adjutant General's Office,

City of New York, 22d March, 1812.

To Brig'r Genl. John Swift,

Palmyra, Ontario County.

Sir:—

I yesterday received your letter of the 4th instant, in which you have tendered to the Commander in Cheif (?) your resignation, and have transmitted it to his Excellency.

In reply to your intimation of Col. Stanley's desire to give up his office, it is proper to remark, that he ought to state his reasons for wishing to resign in a letter addressed to the Commander in Cheif (?), who will judge of their sufficiency. Major Granger's return not being in the form of a brigade return, as directed by General Orders of the 9th day of July last, I have sent it to you for the purpose of its being made out in an accurate manner.

Having already on a former occasion furnished me with a correct return of recommendations &c., you are of course, acquainted with the mode in which it should be done. It would, therefore, be superfluous to enclose you a blank form.

I am with respect, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adjut. Genl.

GENERAL MARTIN ASKS FOR INFORMATION CONCERNING THE DIVISION
TO WHICH HE IS ATTACHED.

Adjutant Genl. Office,

New York, 31st March, 1812.

To Brig'r Genl. Soloman Martin,

Unandila (Unadilla), County of Oswego.

Sir:—

I have received your letter of the 18th Instant, in which you

request to be informed of the names and relative rank of the Brigadiers (?) of Genl. King's division.

As the Secretary of State's Office does not afford information sufficient to enable the Adjutant General to obtain therefrom a correct list of the names, grade & relative rank of general & feild (?) officers, the necessity of an actual inspection of their several commissions to that end became obvious. And as this could most conveniently be done within the limits of the respective divisions & Brigades, his Excellency, the Commander in Cheif, (?), in orders of the 9th day of July last called upon commanding officers of divisions & brigades of the Militia to furnish this Department with the requisite intelligence.

No such returns have however, been received at this office from Genl. King or his Brigadiers. Nevertheless I will, with pleasure, give you the most exact information I possess on the subject of your inquiry. The sixth division, to which you belong, comprises five brigades, commanded by the following persons:

Obadiah German, who has (?) appoit'da Brig'dr the 8th June, 1808			
James Knapp,	Do	Do	10th Nov'r, 1808
Soloman Martin	Do	Do	12th Novb'r, 1810
Mathew Carpenter,	Do	Do	1811
Jabez N. M. Hurd,	Do	Do	1811

I have the honor to be, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

ENROLLING VOLUNTEERS ON THE QUIET.

THE GOVERNOR PREPARING TO PUT THE STATE IN CONDITION FOR
THE INEVITABLE.

Albany, 2d April, 1812.

D'r Sir:—

Perhaps you did not expect the evening that you left Albany

that I should so soon have occasion to accept the offer of your services. The enclosed papers will make you acquainted with the preceedings (?) which I have been directed by the President to pursue, in relation to detachment of the Militia. You may consider yourself in service from the day of the receipt of this Letter & will consult with Genl. Hall and exert yourself to get Volunteers (?) or others enrolled and ready to march whenever ordered; which will be the moment the contractors arrive & proceed westward to supply provisions which will be in a day or two.

You are at liberty when the detachment shall be ordered to rendezvous to call on the Keepers of the Arsenals at Canandaigua & Batavia for arms and ammunition to supply such of the Volunteers or others as may be deficient (?); and to shew the keepers this letter as evidence of your authority so to do. You will receipt to them whatever they may deliver.

Col. Burnet is appointed Brigader (?) General which will satisfy him why he was not assigned to the command of Lt. Col'cy, Major Reddington is appointed Lt. Col. in the stead of Col. Stanley resigned. I will, if possible, send their commissions by the messenger whom I have employed to convey the General Orders & other papers to the respective Officers.

I am, Sir, your Ob't Sev't,

Signed, Daniel D. Tompkins.

Lt. Col. Philetus Swift.

P. S. I should think Major Gansen or Major Sutherland of Genesee (?) would be a good appointment for that County.

I have this moment received a line from the War Department, saying that voluntiers (?) under the Act of the 6th of February last, authorising (?) the President to accept volunteers, would be

preferred. If I do not procure a copy of that act to transmit by this conveyance I will forward it speedily by mail.

(Note.) I have procured a copy and have had it printed with a caption for Volunteering. I am in hopes you and the Majors can obtain volunteers sufficient for the detachment, & therefore send you several copies.

Signed,

D. D. Tompkins.

Sir:—

I had recommended to the committee on the defence of the frontiers to provide amongst other things for the appointment of a Commissary of Military Stores for the Western District, with a salary of 750 or 1000 Doll's. They unanimously agreed to that among other things, and reported a bill accordingly, which was kept back, perhaps designedly, untill (?) I found it my duty to prorogue the Legislature. The bill will undoubtedly pass in May, when it is my intention, if the Council approve it & you consent, to avail the State of your experience & knowledge in Military Science.

In the mean time I am desirous of availing the State of your usefulness in another way. I have received a requisition from the President to detach & station at Niagara, Oswego, and the mouth of Black River, portions of the Militia. The number to be stationed at Otsewgo (?) will consist of 400, among whom may be one company of Artillery. I am desirous that you should take the command of the last mentioned detachment & for that purpose have enclosed you an appointment as my aid with the Rank of Lieutenant Colonel.

Should this appointment & the consequent command meet your acceptance, you may consider yourself in service from the

receipt of this Letter & may visit & make the necessary arrangements with Genl. Ellis of Onondaga Hollow, Genl. Knapp of Courtland County, & Genl. Hurd of Cazanovia (?) from whose brigades the Oswego Detachment (?) is to be taken.

Should you accept this command, you will please to advise me of your steps and of the places at which communications from the Adjutant Gene'l from the contractor for provisions or from myself will reach you.

A copy of the President's requisition, of my Genl. Order(s) thereon, and of my letters to Majors Genl's King and Widrig within whose divisions the three above mentioned Brigades are situated, are enclosed for your information.

My General Order refers to a Commandant of the Oswego detachment to be assigned by me. You may shew the respective Generals your commission and this letter as evidence of your being authorised (?) and assigned as such commandant.

I am, Sir, respectfully, your Ob't Sev't,

Signed, Daniel D. Tompkins.

Lt. Col. Geo. Fleming.

P. S. I am just advised by the Secretary of War, that volunteers under the Act passed 6th Feby. last will be preferred. I will send a copy of that Act by the first opportunity if I do not get it in season to accompany this Letter. Those of the detachment who may not be equipped and supplied with Muskets, &c., from the Onondaga (?) Arsenal; you will give your receipt for what is perceived (?) there & shew this letter as your authority for requiring them.

The act and caption for volunteering are enclosed. The inducements contained in the Act, together with the consideration that young men who acquire a little knowledge of tactics will prob-

ably be selected to officer the army, will I hope, produce a sufficient number of volunteers. Their tour of duty will not probably be ordeous (?) nor exceed two months.

Signed,

D. D. T.

ASSIGNMENTS TO COMMAND.

ORGANIZATION OF THE MILITIA INTO BRIGADES, WITH THE NAMES OF
BRIGADE AND REGIMENTAL COMMANDERS.

(Circular Letter.)

Adjutant-General's Office,

City of New York, 13th April, 1812.

Sir:—

In pursuance of the authority reposed in me by law, I have determined by lot the numbers of the several Brigades, and regiments of Infantry, and Cavalry in this State; and have now the honour of communicating to you the result:

The 1st Brigade of Infantry is commanded by George McClure.

The 2d Brigade of Infantry is commanded by Solomon Martin.

The 3d Brigade of Infantry is commanded by Peter Van Zandt.

The 4th Brigade of Infantry is commanded by Jacob Brown.

The 5th Brigade of Infantry is commanded by Timothy S. Hopkins.

The 6th Brigade of Infantry is commanded by Alexander Rea.

The 7th Brigade of Infantry is commanded by John Tillotson.

The 8th Brigade of Infantry is commanded by Jacob A. Fort.

The 9th Brigade of Infantry is commanded by Samuel Clark.

The 10th Brigade of Infantry is commanded by Gerard Stedford.

The 11th Brigade of Infantry is commanded by Richard Dodge.

The 12th Brigade of Infantry is commanded by Samuel Ten Broeck.

The 13th Brigade of Infantry is commanded by Oliver Collins.

The 14th Brigade of Infantry is commanded by William Mackey.

The 15th Brigade of Infantry is commanded by Pierre Van Courtlandt Junior.

The 16th Brigade of Infantry is commanded by Simon De Ridder.

The 17th Brigade of Infantry is commanded by Micajah Pettit.

The 18th Brigade of Infantry is commanded by Matthew Carpenter.

The 19th Brigade of Infantry is commanded by Reuben Hopkins.

The 20th Brigade of Infantry is commanded by Edmund Per Lee.

The 21st Brigade of Infantry is commanded by (late) George Widrig.

The 22d Brigade of Infantry is commanded by Jacob S. Jackson.

The 23d Brigade of Infantry is commanded by (late) Moses Cantine.

The 24th Brigade of Infantry is commanded by Wm. Burnet.

The 25th Brigade of Infantry is commanded by Erastus Root.

The 26th Brigade of Infantry is commanded by Walter Martin.

The 27th Brigade of Infantry is commanded by John Ellis.

The 28th Brigade of Infantry is commanded by Freegift Patchin.

The 29th Brigade of Infantry is commanded by Peter S. Van Orden.

The 30th Brigade of Infantry is commanded by John B. Van Wyck.

The 31st Brigade of Infantry is commanded by Matthew Trotter.

The 32d Brigade of Infantry is commanded by Obadiah German.

The 33d Brigade of Infantry is commanded by Abraham Rose.

The 34th Brigade of Infantry is commanded by Leonard Smith.

The 35th Brigade of Infantry is commanded by Jabez N. M. Hurd.

The 36th Brigade of Infantry is commanded by James Knapp.

The 37th Brigade of Infantry is commanded by Daniel Brown, Jun.

The 38th Brigade of Infantry is commanded by Hugh Himrod.

The 39th Brigade of Infantry is commanded by William Wadsworth.

The 40th Brigade of Infantry is commanded by Daniel Wright.

To the 1st Brigade of Infantry the following regiments are attached:

The 17th commanded by James McBurney.

The 81st commanded by Reuben Boyce.

The 96th commanded by Samuel S. Haight.

The 126th commanded by Luke Goodspeed.

To the 2d Brigade of Infantry the following regiments are attached:

The 2d commanded by Farrand Stranahan.

The 7th commanded by James Stewart.

The 54th commanded by Reuben Root.

The 60th commanded by Joseph Mumford.

The 112th commanded by Matthias Clyde.

The 135th commanded by Gersham Palmer.

The 151st commanded by Elisha Bundy.

To the 3d Brigade of Infantry the following regiments are attached:

The 10th commanded by Andrew Anderson.

The 51st commanded by Isaac A. Van Hook.

The 82d commanded by Robert Bogardus.

The 125th commanded by Daniel Dodge.

The 142d commanded by Jonas Mapes.

The 146th commanded by John Garritson.

To the 4th Brigade of Infantry the following regiments are attached:

The 108th commanded by Samuel Mack.

The 123d commanded by Thomas B. Benedict.

The 153d commanded by Nathan Stone.

To the 5th Brigade of Infantry the following regiments are attached:

The 13th commanded by Asa Chapman.

The 4th commanded by William Warren.

To the 6th Brigade of Infantry the following regiments are attached:

The 31st commanded by John Acheson.

The 77th commanded by Daniel Davis.

The 99th commanded by William Vary.

To the 7th Brigade of Infantry the following regiments are attached:

The 21st commanded by Matthew N. Tillotson.

The 88th commanded by Henry Bloom.

The 109th commanded by Zadock Rhoads.

The 158th commanded by John Harris.

To the 8th Brigade of Infantry the following regiments are attached:

The 1st commanded by Caleb Carr.

The 43d commanded by Cornelius J. Schermerhorn.

The 45th commanded by Gilbert Eddy.

The 78th commanded by Joseph Dorr.

The 86th commanded by Thomas Reynolds.

The 155th commanded by Thomas Davis.

To the 9th Brigade of Infantry the following regiments are attached:

The 24th commanded by Isaac Gere.

The 32d commanded by David Rodgers.

The 41st commanded by John Dunning.

The 59th commanded by John Prior.

The 63d commanded by Thomas Rogers.

The 144th commanded by Hezekiah Ketchum.

To the 10th Brigade of Infantry the following regiments are attached:

The 75th commanded by Jasper Ward.

The 85th commanded by Edward W. Laight.

The 97th commanded by William Paulding, Jun.

The 106th commanded by Jacob De Lamontagnie.

The 115th commanded by Beekman M. Van Beuren.

To the 11th Brigade of Infantry the following regiments are attached:

The 8th commanded by Cornelius Drake.

The 19th commanded by Jacob Snell.

The 26th commanded by Peter Voorhies.

The 34th commanded by Abram B. Vosburgh.

The 122d commanded by James Ford.

The 138th commanded by George H. Nellis.

To the 12th Brigade of Infantry the following regiments are attached:

The 15th commanded by R. F. Livingston.

The 44th commanded by Charles McKinsty.

The 47th commanded by J. R. Van Rensselaer.

The 56th commanded by Peter I. Vosburgh.

The 73d commanded by Daniel Warner.

To the 13th Brigade of Infantry the following regiments are attached:

The 20th commanded by Silvester Gridley.

The 68th commanded by Sherman Barnes.

The 72d commanded by Thomas Hicks.

The 134th commanded by William Stone.

The 140th commanded by Saul Smith.

The 157th commanded by Caleb Clark.

To the 14th Brigade of Infantry the following regiments are attached:

The 25th commanded by (late) William Mackey.

The 57th commanded by John Veeder.

The 152d commanded by John Gallup.

To the 15th Brigade of Infantry the following regiments are attached:

The 12th commanded by Jonathan Varian.

The 33d commanded by David Hobby, Jun.

The 38th commanded by Abijah Harris.

The 139th commanded by (late) Pierre Van Cortlandt, Jun.

To the 16th Brigade of Infantry the following regiments are attached:

The 50th commanded by Israel Ely.

The 114th commanded by Hercules Rice.

The 118th commanded by James Green.

The 156th commanded by Hendrick Van Schaick.

To the 17th Brigade of Infantry the following regiments are attached:

The 23d commanded by James Tuttle.

The 121st commanded by John Stewart.

The 154th commanded by Zepheniah Kingsley.

To the 18th Brigade of Infantry the following regiments are attached:

The 3d commanded by Abraham De Witt.

The 53d commanded by Oliver Huntington.

The 79th commanded by Selah Matthews.

The 95th commanded by Jacob Swartwood.

To the 19th Brigade of Infantry the following regiments are attached:

The 30th commanded by Garrit Post.

The 91st commanded by John Tuthill.

The 148th commanded by Abraham Vail.

To the 20th Brigade of Infantry the following regiments are attached:

The 29th commanded by Martin E. Winckell.

The 84th commanded by James Tallmadge, Jun.

The 111th commanded by Martin Heermance.

The 141st commanded by William Bell.

To the 21st Brigade of Infantry the following regiments are attached:

The 27th commanded by Christopher P. Bellinger.

The 40th commanded by Jonah Knapp.

The 90th commanded by James Hale.

To the 22d Brigade of Infantry the following regiments are attached:

The 64th commanded by Jeremiah Johnson.

The 93d commanded by John Ditmas.

The 100th commanded by James Hendrickson.

The 117th commanded by Remsen B. Simonson.

To the 23d Brigade of Infantry the following regiments are attached:

The 119th commanded by William A. Cuddeback.

The 130th commanded by Frederick Westbrook.

The 131st commanded by T. De Witt.

To the 24th Brigade of Infantry the following regiments are attached:

The 11th commanded by ——— Reddington.

The 39th commanded by Gilbert Howell.

The 42d commanded by (late) William Burnett.

The 71st commanded by Philetus Swift.

The 103d commanded by Avery Smith.

To the 25th Brigade of Infantry the following regiments are attached:

The 69th commanded by Abraham Howell.

The 70th commanded by Putnam Farrington.

The 87th commanded by William Harper.

To the 26th Brigade of Infantry the following regiments are attached:

The 46th commanded by Richard Coxe.

The 55th commanded by Paul Stickney.

The 76th commanded by Gershom Tuttle.

The 101st commanded by Zeboam Carter.

To the 27th Brigade of Infantry the following regiments are attached:

The 16th commanded by Jacob Chandler.

The 62d commanded by Jacob Johnson.

The 98th commanded by Elijah Hall.

The 147th commanded by T. M. Wood.

The 159th commanded by Warren Hecox.

To the 28th Brigade of Infantry the following regiments are attached:

The 18th commanded by Storm A. Becker.

The 104th commanded by David Wiltsey.

The 113th commanded by Calvin Ritch.

To the 29th Brigade of Infantry the following regiments are attached:

The 83d commanded by Benjamin J. Gurnee.

The 160th commanded by Cornelius Blauvelt.

To the 30th Brigade of Infantry the following regiments are attached:

The 35th commanded by Isaac Crosby, Jun.

The 61st commanded by James Townsend.

The 127th commanded by George W. Van Der Burgh.

The 149th commanded by John Storm.

To the 31st Brigade of Infantry the following regiments are attached:

The 89th commanded by Sebastian Vischer.

The 136th commanded by John V. A. Lansing.

The 150th commanded by John H. Burhans.

To the 32d Brigade of Infantry the following regiments are attached:

The 67th commanded by Dennison Randall.

The 105th commanded by Thompson Mead.

The 133d commanded by Samuel Balcom.

To the 33d Brigade of Infantry the following regiments are attached:

The 80th commanded by Isaac Wickham.

The 107th commanded by Daniel Youngs.

The 132d commanded by James Davis.

The 137th commanded by John Floyd.

To the 34th Brigade of Infantry the following regiments are attached:

The 5th commanded by Benjamin Webb. *

The 14th commanded by (late) Leonard Smith.

The 28th commanded by Cornelius Bruyn.

The 92d commanded by Abraham I. Hardenbergh.

To the 35th Brigade of Infantry the following regiments are attached:

The 65th commanded by Erastus Cleveland.

The 74th commanded by Zebulon Douglass.

The 129th commanded by Samuel Dutton.

The 143d commanded by Reuben Leonard.

To the 36th Brigade of Infantry the following regiments are attached:

The 58th commanded by Daniel Miller.

The 124th commanded by John Kingman.

To the 37th Brigade of Infantry the following regiments are attached:

The 6th commanded by Isaac Bronk.

The 49th commanded by Darius Phelps.

The 110th commanded by John T. Van Dalfsen.

The 116th commanded by Jehiel Tuttle.

The 120th commanded by Samuel Haight.

To the 38th Brigade of Infantry the following regiments are attached:

The 102d commanded by Hugh W. Dobbin.

The 128th commanded by Reynier Covert.

The 145th commanded by Hugh Graham.

To the 39th Brigade of Infantry the following regiments are attached:

The 4th commanded by Micah Brooks.

The 22d commanded by Peter Allen.

The 52d commanded by Caleb Hopkins.

The 94th commanded by Joseph W. Lawrence.

To the 40th Brigade of Infantry the following regiments are attached:

The 9th commanded by Elijah Barnes.

The 36th commanded by Thomas Miller.

The 37th commanded by Aaron North.

The 66th commanded by Aldrick Mann.

The 1st Brigade of Cavalry is commanded by Henry McNeil.

The 2d Brigade of Cavalry is commanded by John I. Van Rensselaer.

The 3d Brigade of Cavalry is commanded by A. Giles.

To the 1st Brigade of Cavalry the following regiments are attached:

The 6th commanded by (late) Gridly.

The 8th commanded by William Whipple.

The 10th commanded by Vincent Mathews.

To the 2d Brigade of Cavalry the following regiments are attached:

The 3d commanded by Rensselaer Westerlo.

The 5th commanded by Apollos Moore.

The 7th commanded by Edmund Fitzgerald.

The 9th commanded by George Tiffany.

To the 3d Brigade of Cavalry the following regiments are attached:

The 1st commanded by George D. Wickham.

The 2d commanded by Jacob Odell.

The 4th commanded by Phillip Pitcher.

It is extremely desirable that every officer commanding a Brigade of Infantry or Cavalry, should immediately cause Commandants of the regiments in his Brigade to be apprised of the number of the Brigade, and of each regiment composing the same.

I have the honour to be, Sir, your Ob. Serv't.,

Wm. Paulding, Jun'r, Adjutant-General.

Copies of the proceeding (?) letter were transmitted to each of the Major-Generals and Brigadier Generals of Infantry and Cavalry.

Wm. Paulding, Jun., Adj. Genl.

PERFECTING THE MILITARY ORGANIZATION.

Adjutant General's Office,

New York, 15th May, 1812.

To Maj'r Genl. John Hathorn,

War Wick, Orange County.

Sir:—

I have this moment received your letter of the twelfth instant, and hasten to reply to it by explaining to you the intentions of the Commander in Chief (?), expres'd in Orders of the 21st ultimo, which appears not to have been distinctly understood. The duty prescribed in those orders to Major Generals of Infantry was intended by his Excellency to be strictly limited to the formation of the detachments from their respective divisions, into battalions & Regiments, & to the assignment of Majors to the command of such battalions. Consequently the Commander in Chief (?) did not mean to trouble you with the transmittion (?) to this Depart-

ment, of Muster Rolls and inspection Returns of the quota of Troops furnished from your division; nor that you should assign the regimental Staffs.

The manifestation of an honorable zeal for the just rights of the Union, which is conveyed by your expressions of a desire promptly to execute the orders of the Commander in Chief (?), will, I am persuaded (?), whenever I shall have the honor of laying your letter before his Excellency, and receive his entire approbation.

With great respect I remain,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

THE SYSTEM OF FINES.

MANNER OF DISTRIBUTING SUMS DERIVED FROM REGIMENTAL AND
BATTALION COURTS-MARTIAL.

Adjutant Gen'l's Office,

City of New York, 15th May, 1812.

To Brig. Genl. Peter S. Van Orden,

Hempstead, Rockland County.

Sir:—

As it is uncertain when the Commander in Chief will be here, and you are desirous of an early answer to the question you did me the honor a few days since of presenting for my consideration and opinion, I shall therefore proceed to comply with your request by informing you of the mode in which I think the money collected for fines from the Infantry is to be expended. It appears to me that the sums of money received by regimental & Battalion courts-martial, for fines, from persons amenable to their juris-

diction, are to be distributed, except in the City of New York, in the following manner:

First. It seems to be the intention of the 10th section of the Militia law of 1810, that, in all cases where there is attached to any Regiment or battalion of Infantry, a company of Riflemen, the commandant thereof shall be paid by the commanding officer of the Regiment or battalion, an equal proportion with the other companies composing the same, of all monies by him rec'd for fines. For example: If there be Eight companies of Infantry, one of Artillery, & one of Rifleman (?) belonging to any regiment of Infantry, the rifle company would in that case be, I think, entitled to one tenth Part of the sums of Money which the Commandant of such regiment shall have receiv'd for fines incurred & collected therein.

Second. The 27th Section of the Act aforesaid requires that whenever to a Regiment or battalion of Infantry there is annexed any Company of artillery, the commandant of it shall be paid, by the Officer commanding such regiment or battalion, the money received by him for fines from the said company. And it is further required by this last mentioned section of Law, that to the commandant of every such company of artillery, there shall be paid by the officer commanding the Regiment or battalion of Infantry to which the said company is attached, a proportion of all the Monies (?) received by him from persons whose fines cannot by the 24th Section of the said Act, be increased.

But what is to be the ratio that proportion shall bear to the entire sum thus received, seems to be confided to the discretion of the Officer whose duty it is to distribute the same.

Third. After such commandants of Rifle & Artillery companies have received the proportion of fines directed by law to be paid

to them, the officers commanding regiments & Battalions of Infantry are, in conformity with the 25th Section of the said Act of 1810, respectively, to appropriate the residue of the money received by them for fines, for the purchase of colors, and as many drums & fifes as there are companies of Infantry in their several regiments & Battalions, & for keeping the same in repair, or purchasing new ones from time to time, as it shall become necessary; and for the purpose of establishing bands of Music in their respective regiments & Battalions, and for no other purpose.

But, if, after these annual appropriations are made, any balance should remain with such commandant of a regiment or Battalion of Infantry, he shall pay the same in equal proportions, to the commanders of those companies only which properly compose part of such regiment or battalion, to be by them respectedly (?) applied to the procuring of music, & in such other manner as they may think necessary, for the use of their several companies. If, however, any such commandant of a company should not, within the year after receiving such sum of money, expend it in the manner directed by Law, then he shall pay the surplus thereof to his brigadier-General, to be by him applied towards the payment, at the rate of One Dollar & twenty-five cents per day, of the President & ordinary members of any Court-Martial, that may be held in his brigade for the trial of Officers.

In all cases, however, where the commander of a regiment or battalion has, by virtue of the Militia law of 1809, become responsible for or has advanced any monies (?) for the use of his corps, he may reimburse himself out of such fines as he shall afterwards receive; first paying to the several commandants of

Rifle & Artillery companies under his command their respective proportions thereof.

I remain with regard,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Ge'l.

To Brig'r Genl. Peter I. V. Orden.

Hempstead, Rockland County.

CHARGES AGAINST GENERAL VAN ZANDT DISMISSED.

Adjutant Genl. Office,

New York, 20th May, 1812.

Gentlemen:—

The Commander in Chief (?), having been pleased to submit to my consideration the charges lately exhibited by you against brigadier-general Van Zandt, I have accordingly perused them with attention, and am of opinion they do not present a case demanding the Interposition of a Military tribunal.

The several specifications of the acts of misbehaviour, you have thus preferred, may be resolved into an individual offence, and are evidently intended to make out a case that shall fall within the purview of the eighty Sixth section of the Act entitled, "An Act to organize the Militia of the State of New York," passed the twenty ninth day of March, One thousand eight hundred and nine.

What are the Military offences created by this section; what the penalties thereby declared, is the accused liable to its animadversion?

These are questions which require to be investigated and answered.

It becomes necessary, therefore, to refer to the above section, and to that part of the eighty fifth section of the said law, which has a direct bearing upon the subject under examination:

The latter section established, in the brigade of Militia in the City and County of New York, a Board of Officers consisting of the commander of the Brigade & the officers commanding the regiments of which it was composed;

And the former section enacted, "that the commandants of the said regiments in the said City and County of New York, shall, on or before the first day of June next, make a return to the Commandant of the said brigade in said City & County, who is hereby required to order the same to be done, of all monies (?) which have heretofore been received by them as commandants of their respective regiments, and also a particular account of the expenditure thereof, stating particularly the balances, if any, remaining in their hands; which accounts shall be submitted to the said Board of Officers hereby constituted, for their allowance; and if any balance shall remain in the hands of any of the said Commandants after deducting from the amount received by them respectively such charges as the said Board, or a majority of them, shall allow, the said respective commandants are hereby required & enjoined to pay such balances to the said Board, or the person appointed by them, or a majority of them, to receive the same, on or before the first day of July next, under the penalty of double the amount of the balance so to be determined & ascertained by the said Board, or a majority of them, to be sued for & recovered by action of debt or otherwise, in any court having cognizance thereof, by and in the name of the person so to be appointed by the said Board; and in case either of the said Commandants shall neglect or refuse to render the account, or pay the balances aforesaid, he shall also, on conviction thereof before a court-Martial be chasiered (?)".

From the tenor of this last recited section, it is evident that unless Genl. Van Zandt was commandant of one of the said regi-

ments at the time of enacting the said section, his conduct could not thereafter be questioned under the same by a Court-Martial; because he would not in that event be liable to any of the penalties therein declared, inasmuch as that provision of Law does not apply to Genl. Officers, but is strictly limited to commandants of the said regiments.

There is not, however, in the charges you have urged against Brig'r Van Zandt, any specific allegation of his rank, or of the command he exercised at the time to which these charges refer; & indeed, it does not distinctly appear on the face of your acquisation (?) whether, at the period to which it alludes, the Gene'l was commandant of a Regiment or Brigade.

Beside which the said articles are generally defective. They do not set forth, with the necessary degree of certainty, the time & place when & where the offence was committed, and it is somewhat doubtfull (?) if the acts of Delinquency therein affirmed, have been specified & expressed with sufficient clearness & pressed against the accused in a manner sufficiently pointed.

The fourth charge is nevertheless exempt from these imperfections. But, after maturely considering the same & the letter of G'l Van Zandt upon which it is predicated, it does not seem to me to possess that intrinsic importance which would entitle it alone to the attention of a judicial investigation.

I therefore conceive it my duty to return to you the articles of accusation, that you may dispose of them as shall be deemed most adviseable. (?)

I Remain, Gentlemen,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

To Captains Tylee, Cooke, Disbrow & Sheffelin of the 51st Regiments.

Adjutant General's (?) Office,

New York, 23d May, 1812.

Sir:—

I have examined the charges exhibited against General Van Zandt, enclosed in your Excellency's letter of the 14th instant, & have returned them to the officers by whom they were preferred, with my reasons for believing that they did not present a case requiring the interference of a Military Tribunal; a copy whereof is herewith transmitted to your Excellency.

I am nevertheless of opinion that if the official conduct of the General has been such as to furnish a case within the intent of the 86th Section of the Militia law of 1809, he is liable to be tried as well in a civil suit as by a court-martial.

Such, I think, is the obvious intention of the said section; because, after defining the offence & declaring its penal consequence to the offender, it gives against him in express terms, not only an action of debt for the recovery of the pecuniary mulct it inflicts as a punishment in part of the offence, but it further declares the offender shall also on conviction of the offence by a Court-Martial, be cashiered.

Nor do the circumstances disclosed by the charges whereon the arrest of Genl. Van Zandt is requested, appear to be of such a nature as of necessity to call for the previous investigation of a Court of Inquiry; for, whether the facts affirmed in the accusation be true or false, they, notwithstanding, are susceptible of being alledged (?) against him with sufficient precision & point to dispence (?) with any preparatory inquest for that purpose; and seem to be comprehended in a settled principle of Military jurisprudence, which declares that whenever the act of guilt, charged to have been committed is susceptible of a clear & formal specification as to the offender, the nature of the offence, and the time

and place when & where it was committed, it ought, in the first instance, to be judicially investigated by a General Court-martial. (?)

I have the honor to be,

Your Excellency's Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

To His Excellency Governor Tompkins,

Albany.

COMMANDERS OF THE NORTHERN BRIGADES.

Adjutant Genl. Office,

New York, 20th May, 1812.

Sir:—

In answer to your letter of the 25th ultimo, which I received this morning, I have the honor to inform you that to the third division of Infantry, under your command, the following brigades and brigs (?) generals are attached:

The 8th comm'd by Jacob A. Fort of Hosick, of Rensselaer County;

The 12th comm'd by Sam'l Ten Broock, of Clermont, Columbia Co.;

The 16th comm'd by Simon De Ridder, of Union Village, Washington Co.;

The 17th comm'd by Micajah Pettit of Queensbury, Washington County.;

The 40th comm'd by Dan'l Wright, of Essex, Essex Co.

I am your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

To Major Genl. Benj'n Mooers,

Plattsburgh, Clinton County.

DUTIES OF BRIGADE INSPECTORS DEFINED.

Adjutant General's Office,

New York, 24th May, 1812.

Sir:—

I received on the 21st your letter of the 3rd instant, and, in compliance with your request, have now the pleasure of imparting to you such information as will probably remove the doubts entertained by you, of the person who is to inspect your battalion, & to whom the returns of annual inspection and of recommendations for promotions and appointments therein are to be made. You will find, Sir, on examining the 10th section of an Act of Congress, passed the 8th day of May, 1792, entitled, "An Act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," that it is the duty of the brigade inspectors to inspect the regiments and battalions of Militia composing the several Brigades; and by referring to the 33rd section of the militia law of this State of the 29th day of March, 1809, you will observe that the Commander in Chief (?) is thereby authorised (?) to organize in each brigade of Infantry in the State, one battalion of Riflemen, to be under the command of a Major commandant thereof.

Now, Sir, as it appears that your battalion has been organised (?) in & is of consequences (?) attached to the first brigade of Infantry commanded by Brig'r general McClure, it follows of necessity, that your corps composes part of his brigade & is therefore to be inspected by the Brigade inspector thereof, and that you are to conform to the directions contained in the 67th section of the said last mentioned law & to that part of the General order of the 9th Day of July last reiterating the same, by making

the annual returns therein prescribed to the commanding officer of the Brigade to which your Battalion belongs.

The inspection returns heretofore transmitted to this office, are not sufficiently particular to enable me to answer with precision, your question relating to the existing number of Battalions of Riflemen in this State. I recollect but of four beside the one you command. I shall feel much pleasure in answering any inquiries, pertaining to my Department, you may think proper to propose for my consideration.

I am,

Your Ob't Sev't,

Wm. Paulding Jun., Adj. Genl.

To Major Asa A. Gaylord,

Batavia, Steuben County.

BRIGADES THAT COMPOSED THE DIVISION OF MAJOR-GENERAL KING.

Adj. General's Office,

New York, 25th, 1812, May.

Sir:—

I this day received your letter of the 9th instant, and, in conformity to your request have the honor of informing you that to the Sixth division of Infantry, under your command, the following brigades & brigadier-generalls (?) are attached:

The 2d command'd by Sol'n Martin of Unadilla, Otsego County.

The 18th com'd by Mathew Carpenter, of Newtown, Tioga County.

The 32d com'd by Obediah German, of Norwich, Chenango County.

The 35th com'd by Jabez N. M. Hurd, of Cazenovia, Madison County.

The 36th com'd by James Knapp, of Homer, Cortlandt County.

I am with respect,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

To Major General Nath'l King,

Hamilton, Madison County.

ANOTHER RULING ON THE QUESTION WHETHER AN OFFICER SHOULD
RESIDE WITHIN HIS BEAT.

Adjutant General's Office,

Albany, 10th June, 1812.

Sir:—

You desire to be informed if it is necessary that an Officer of the Militia should reside within the beat of the corps he commands.

There does not exist in this State any statutory provision requiring such residence; consequently the removal of an Officer without his company, or regimental bounds does not, of necessity, affect his right to command or his claim to promotion. So long as his local position permits him faithfully to discharge his Military functions, his removal from office, for that cause only, would not be reasonable, and would be contrary to Military usage.

In the city of New York, where there are two brigades of Infantry, scarcely an officer of either resides within the boundaries

of his command; & some of them are at a distance from it of more than a Dozen miles.

I am with respect,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

To Col. Isaac Gere,

24th Regt. Infantry.

ASSIGNMENT OF MAJORS.

Adjutant General's Office,

Brig'r Genl. Sam'l Ten Broeck,

Clermont, Columbia County.

Sir:—

I am directed, by the Commander in Cheif (?) to inform you that he has received Major Genl. Mooers' return of the Majors he has assigned to the command of the Battalions detached from his division, excepting a first Major he says is to be detailed from your brigade, and that he has not received your answer to his letter desiring you to name one. To enable the Commander in Cheif (?) to complete the organization of these regiments from the third division of Infantry, the name of your first Major is alone wanting. You will therefore, by the return of the mail, be pleased to acquaint his Excellency with the name and place of residence of such Major.

I have the honor to be,

Your Obe't Sev't,

Wm. Paulding, Jun., Adj. Genl.

FIVE CAPTAINS COMPLIMENTED.

(Circular.)

Adjutant Genl. Office,

Albany, 10th June, 1812.

To Captains Samuel Drake,
Nicho' Emigh,
Isaac Benedict,
Wm. Wigton, &
John Marchall.

Gentlemen:—

I am instructed by the Commander in Cheif (?) to assure you that his Excellency has perceived with pleasure the devotion with which you and your companies court a participation in the honor of vindicating the violated rights of an injured and insulted (?) people; and accepts with approbation and thanks, the tender of your services and of the corps under your command.

I am with respect,

Wm. Paulding, Jun., Adj. General.

DEMANDS FOR COMMISSIONS.

Adj. General Office,

Albany, 12th June, 1812.

To Lt. Col. J. Stewart,
Worcester, Otsego County.

Sir:—

In compliance with the request contained in your letter of the 23^d ultimo, I have submitted to the honorable the Council of Appointment the names of the persons you wish to have commission'd in the Militia, and those excit (?) no doubt of the appointments being made.

The gentlemen you have proposed for artillery officers will be

attached to the 2nd battalion of the Sixth regiment of artillery, and all the commissions will be transmitted in the usual way by the Secretary of State.

Yours with respect,

Wm. Paulding, Jun'r, Adj't. Genl.

THE ELEVENTH REGIMENT OF CAVALRY.

Adjutant General's Office,

Albany, 13th June, 1812.

To Major Genl. Step'n Van Rensselaer,

Albany.

Sir:—

By general Orders of the 3rd instant you will observe that the Commander in Chief (?) was pleased to organize a new regiment of Cavalry in the 3d Brigade of your division, which was erroneously denominated the tenth instead of the eleventh regiment.

With great respect I have the honor to be,

Your ob't Sev't,

Wm. Paulding, Jun., Adjutant Genl.

POLITICS AND MILITARY DISCIPLINE.

QUESTIONS THAT SEEM ODD TO THE AMERICAN OF THE PRESENT
GENERATION.

Adjutant Genl. Office,

New York, 26th June, 1812.

The hon'ble Wm. Eustis,

Secy. of War of the United States,

Washington.

Sir:—

In consequence of the existance (?) of a diversity of opinion respecting the authority and duty of the Officers of the detach-

ment, drawn out from the militia of this State, pursuant to the President's instructions of the fifteenth day of April last, I ask permission to submit for your consideration and answer, the following questions:

First. In the instructions it is required that "when the detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them." How often and what provision of law can the detached officers compel their men to muster; and how and by what authority punish the disobedient?

Second. Suppose any of the drafted men, or those who have volunteered (?), should refuse to embody, and march upon their respective points of rendezvous; how are the refractory to be treated; are they liable to punishment, in what manner, by whom, and pursuant to what authority?

In the existing state of political parties in this country, it cannot have escaped your notice that there are amongst us persons who will not scruple to employ every artifice to discredit the measures of the federal Government, and to render its proceedings suspected and odious to the people; and that these criminal machinations may possibly have the effect of introducing into the ranks of the detached Militia an extensive and dangerous spirit of insubordination, to the command of their superiors. Hence the necessity that the officers, charged with executing the orders of the President, should, in the exercise of their appropriate functions, repose upon the solid basis of the constitution and laws, and be enabled to appeal to their authority against the attempts of disaffection to subject their conduct to the animadversions of the legal magistracy. It appears of importance, therefore, to possess a knowledge of the means of promptly (?) encoun-

tering and subduing (?) evils, not merely remote and uncertain, but such as are likely to exist in a greater or less degree.

Accept, Sir, the assurance of my most zealous cooperation in support of every measure of your department which may be confided to my discretion.

I have the honor to remain,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl. of the State of N. York.

PREPARING TO REPEL AN INVASION.

GOVERNOR TOMPKINS MAKES DISPOSITION OF HIS FORCES TO ANTICIPATE SUCH AN EVENT.

Albany, June 27th, 1812.

To Gen. Bloomfield,

New York.

Sir:—

In pursuance of directions from the President of the United States, I have placed at your disposal the detachment from that part of Gen. Coles' division of Infantry comprehended in New York, Weschester (?), Kings and Richmond Counties; the detachments from Genl. Morton's Brigade of artillery, and the detachment from the first regiment of Genl. Giles' Brigade of Cavalry; Genl. Morton's Brigade of Artillery, and the first regiment of Cavalry are composed of the Artillery & Cavalry within the Southern District of this State, & Genl. Coles' division of Infantry also comprehends the whole of the Infantry of the Southern District.

Besides the detachments I have placed, as you will see by my orders to Major Ge'l Stevens, the whole brigade of artillery at his disposal to repel an invasion. It is proper also to apprise you that, by the 70th section of the Militia law of this State, Major Generals, Brigadier Generals and Commandants of Regiments

of the Militia are authorized in case of invasion or insurrection, to order out the whole Militia under respective commands, without waiting for orders from the Commander in Cheif (?). Copies of my instructions to the Major Generals are enclosed. The Commissary (?) of Milatery (?) Stores has likewise been directed to furnish arms and ammunition from the State Arsenal upon the requisition of the Lieut. Governor or of any Major General of the Militia, to such militia detachments as may be ordered into field service & be destitute of the needfull (?) equipments.

I flatter myself that the proceeding (?) arrangements will be sufficient to enable you to afford ample protection to the harbour & City of New York. Should you, however, for that purpose desire any further exercise of the authority with which I am invested by the constitution, and law of this State, you will please to advice (?) me of it. In the mean time, permit me to tender you an assurance of my unalterable determination to devote my talents & authority to a vigilant and faithful support of the constituted authorities of our beloved Country, in the prosecution of the just & necessary War into which they have entered.

I am, Sir, very respectfully,

Your Ob't Sev't,

Signed, Daniel D. Tompkins.

OFFICIALLY NOTIFIED WAR HAS BEEN DECLARED.

AND GOVERNOR TOMPKINS POINTS OUT THE WEAKNESS OF OUR CON-
DITION AND THE LACK OF MILITARY STORES.

Albany, 27th June, 1812.

The Hon'ble William Eustis.

Sir:—

Your letter of the 19th inst. announcing the important intelligence of a declaration of War against the Uited (?) Kingdom

of Great Britain and Ireland, and its dependencies, was received on Tuesday evening at Eleven O'clock. Expresses with the information, and with instructions for the Commandants of Posts on the frontiers, were dispatched in the course of that night. The Express to Sackett's Harbour has returned with the satisfactory intelligence that the officers and men of that Detachment are in fine spirits, are tolerably well accommodated; (?) are perfectly united, and harmonious, and received the intelligence of War with cheerfulness (?) and determined courage.

In anticipation of orders to that effect, I have directed the frontier Posts to be reinforced by detachments (?) of Militia of the Counties immediately adjoining, and have also ordered into service, for the protection of the Northern frontier between Lake Champlain & St. Lawrence, the Militia detached from Washington, Essex, Clinton and Franklin Counties; & have forwarded additional quantities of arms & ammunition & Military Stores to each point. You were advised by me last winter, and also when the former detachments were ordered out, that the State was not provided with camp equipage, & that we must rely upon the Genl. Government for these articles.

It was also my wish that the Genl. Government (?) should have availed itself of my repeated offers to forward and deposit in our frontier Arsenal, free of expence (?), some arms, military stores, and camp equipage, in preparation for the event which has happened.

The United States have now collections of enlisted troops at Plattsburgh, Rome, Canandaigua, and other frontier rendezvous, within 100 rods of our Arsenal, and yet these recruits are destitute of arms & ammunition and camp Equipage,

Those at Plattsburgh are within fifty miles of St. Regis and Cognawago Indians, by whom they might be attacked suddenly, and

with little hazard (?); unarmed & unprepared as they are, the regulars could not defend themselves, much less protect the inhabitants.

I do not mention the proceeding (?) circumstance by way of complaint, but in the hope and expectation that the statement of them may show you more fully the indispensable necessity of an immediate and earnest attention to the suggestions which follow.

A belief that General Dearborn's headquarters were to be at this place, induced me to calculate that by conference and arrangements with him I should be able to procure from the United States, at any time those military Stores of which we are defficient (?); but I, at the moment of needing his assistance, [learned] that his headquarters are at Boston. General Gansevoort is very low, and incapable of attending to business of any kind. Col. Simonds has arrived here, but says he was ordered to report himself to Genl. Dearborn, and therefore can take no authority upon himself at present.

The keeper of the Stores will not part with cannon, musketts, (?) ammunition, or other articles without the order of his superior Officer.

Genl. Dearborn has requested me to order out militia for the Champlain frontier, and informs me that the Quartermaster General will supply camp equipage for them. Upon application to the Quartermaster general, who is now in Albany, I find there is no camp equipage here except a few tents, and about Sixty camp kettles, which have been in our Arsenal at this place several years. For the delivery of these even, I cannot obtain a written order. The Deputy Quartermaster General will not give an order for their delivery,

without written directions from the Quartermaster General, and the Quartermaster General does not seem willing to give such written directions, or at least has not done it, although he is perfectly willing that I should have the articles. Under such circumstances, I shall presume to take possession of them at my own hazard, and shall accordingly forward them to-morrow morning; hoping that my proceedings on the emergency will be approved and confirmed.

The detachments already in service, you will please to recollect, are by your orders separate (?) & independant (?) Corps, and the commandants of course will be embarrassed (?) as to the course to be pursued by them in case of an attack of a part of the frontier not under their immediate respective commands. Besides they are in tempory (?) Barracks, and have no tents or conveniences for removing more than one day's march from their present positions. Having thus stated some of the difficulties I have encountered and are likely to encounter, in the protection of an extensive & exposed boundery (?) upon Canada, I beg leave to request the immediate & earnest attention of Government to the following particulars:

I. To cause to be forwarded, with the utmost possible expedition, tents & other camp equipage, & knapsacks for the frontier detachments, for without them they can form no offensive operation, and will be very inefficient for defence even. Competant (?) authority ought also to be given to subordinate officers of the proper departments, to press on the supply without waiting for the orders to pass through the superior officers of their respective departments, should such superior officers be absent at the time.

II. To send on a General Officer to take command of all the frontier Detachments or authorize me to require Major Genl.

Stephen Van Rensselaer, of this City, to take the command till further orders, & also to send on some Engineers and other proper officers to aid in offensive operations at Niagara, Sackett's Harbor, &c.

III. To place the cannon, muskets, ammunition, &c., belonging to the United States, and now at this place, under the requisition of the Genl. who may proceed to the frontier command, or subject to the orders of some officer who may be stationed here, and to authorize the District quartermaster in the absence of the Quartermaster General, immediately to comply with the orders of the General commanding on the frontier, or of the officer stationed at this place.

Be assured, Sir, that I shall exert every nerve, and afford every aid in my power to prosecute the War vigorously, and I hope to an honorable and prosperous (?) termination. (?)

I am, Sir, respectfully,

Your Ob't Sev't,

(Signed.)

Daniel D. Tompkins.

GOVERNOR TOMPKINS TO GENERAL DEARBORN.

RED TAPE BARRING THE WAY TO ENERGETIC ACTION AND TO OBTAIN-
ING FIELD EQUIPMENT.

Albany, June 28th, 1812.

To Maj'r Genl. Dearborn.

Sir:—

Your letter of 23rd instant has been received. I had anticipated your request by ordering the detachments from Washington, Essex, Clinton and Franklin Counties into service, and have fixed the days & places of their rendezvous. Upon application



FORT NIAGARA, 1814, FROM THE BRITISH SIDE OF THE RIVER.

WOODHILL & LENBECK CRAWFORD CO.

to the Quartermaster Genl. I find that there are but 139 tents, and 60 Camp Kettles at this place, and even those I take by a kind of stealth. The Deputy Quartermaster General declines giving an order for their deleivery (?) untill (?) he shall have a written order from the Quartermaster Genl., and the latter is willing I should take them, but will not give the Deputy a written order for that purpose; under such circumstances I shall avail myself of the rule of possession, and by virtue of the eleven points of Law send them off to-morrow morning without a written order from any one. You may remember that when you were Secretary of the War Department, I invited you to forward & deposit in our frontier Arsenals, arms, ammunition and camp equipage, free of expence, to be ready for defence in case of War, and the same invitation to the War Department has been repeated four times since. The United States have now from 5 to Six hundred regular troops at Plattsburgh, Rome, Canandaigua, &c., where those arsenals are, and yet those recruits are now, and must be for weeks to come unarmed & in every respect unequiped (?), although within Muskett (?) shot of Arsenals. The recruits at Plattsburgh are within fifty miles of two tribes of Canadian Indians. In case of an attack upon the frontiers, that portion of the United States Army would be as inefficient and as unable to defend the inhabitants or themselves even, as so many Women.

The Militia Detachments, on the western frontiers, received the news of War with chearfulness (?) and determined courage, & I am happy to find they are United like Brothers, highly improved in discipline, & ready to devote themselves to any service or danger which the good of their Country may require.

But they are in barracks, from which they cannot move a day's March for the want of tents and other equipage, and they are in Seperate (?) & independant (?) Detachments, without a general officer to command them; or combine their exertions for the accomplishment of any desirable and important object.

The only Officer of the United States here who can do anything is the Quartermaster General, & he has not a tent, camp Kettle, or knapsack in the Arsenal (except what I have concluded to send off to-morrow morning as above mentioned) to furnish me.

As to cannon, musketts (?), ammunition, I can find no one here who will exercise any authority over them or deleiver (?) a single article upon my requisition. Neither can I find any officer of the army who feels himself authorized to exercise any athority (?), or do any act which will aid me in the all important object of protecting the inhabitants of our extended frontier, exposed to the cruelties of Savages, and the depredations of the enemy. If I must rely upon the militia solely for such protection, I intreat(?) you to give orders to your officers here to furnish, upon my order, for the use of the Militia Detachments, all needful weapons & articles with which the United States are supplied, and of which we are destitute.

You may rely upon all the assistance which my talents, influence & authority can furnish in the active prosecution of the just & necessary War, which has been declared by the constituted authority of our beloved country.

I am, Sir, respectfully,

Your Ob't Sev't,

(Signed)

Dan'l D. Tompkins.

VOLUNTEERS ACCEPTED.

Albany, 2d July, 1812.

To Major Septimus Evans,

D'r Sir:—

Your letters of the 16th and 24th of June are before me. The Cavalry uniform was prescribed by the law of 1809, & not with the advice and direction of the Commander in Cheif. (?)

The Major Genl. of Cavalry was on the committee that reported the Militia Law & fixed the uniform of his own corps to suit himself. I wash my hands of it. You will perceive however, that the 18th Section, which establishes cavalry uniform, does not apply to troops previously organized, and that the Commander in Cheif (?) may, from time to time, direct alterations to be made in the uniform. I have no objections to your retaining the colour for uniform in which the troops to which you originally belonged were cloathed.(?)

The services of Capt. Herman Camp's company of cavalry are accepted. The letter in answer to their tender is enclosed. One copy has also been directed to captain Camp at Ulisses, Seneca County.

I am, D'r Sir,

Your Ob't Sev't,

(Signed.) Dan'l D. Tompkins.

P. S. I have concluded the letter for Capt. Camp will go most expidiously (?) through your hands; you will therefore please to seal and forward it.

Albany, July 2d, 1812.

To Capt'n Herman Camp.

Sir:—

It is with the utmost satisfaction that I learn by a communication from Major Evans, the generous and patriotic tender of

the services (?) of yourself & company as Volunteers in the Detachment of 100,000 Men.

At a time when the united efforts of community are urgently demanded, and when local schisms & dissensions (?) must yield to the important interest & reputation of our common Country; the conduct of the company is regarded as an instance of magnanimity, and heroism, reflecting distinguished honor on the Officers and Soldiers (?), for which they will be pleased to accept my most sincere acknowledgements. (?)

I am very respectfully, Sir,

Your &c.,

(Signed.) Dan'l D. Tompkins.

GENERAL PAULDING TO MAJOR CROSBY.

Adjutant Genl. Office,

Albany, 18th July, 1812.

To Major Wm. Crosby,

New York.

Sir:—

In a communication to the commissary, under date of the 24th day of June, the Com'r in Cheif (?) directed him to supply articles from the public Arsenals, to the militia ordered into service, upon the requisition of any Major Genl. and entertained a beleif (?) that Major Genl: Stevens had been notified thereof. The annual return and report of the Commissary now enclosed, will furnish the information the Genl. wishes, except as to camp kettles, tents, knapsacks, and fixed ammunion, which by the said letter to the Commissary, of the 24th June, he was directed to procure & make.

As soon as that order shall be complied with, Genl. Stevens will be made acquainted with it.

In the mean time by a letter to the Commissary, of even date herewith, he is directed to give every needfull (?) information to General Stevens.

I am, D'r Sir,

Yours, &c.,

Wm. Paulding, Jun., Adj. Genl.

CAPTAIN HARTELL VOLUNTEERS FOR SERVICE.

Adj. Genl. Office,

Albany, 18th July, 1812.

To Capt. Christian Hartell,

New York.

Sir:—

The Commander in Cheif (?) has received and accepts of the tender of service of your company, under the Act of Congress of the 10th April 1812; and has commanded me to say that at a time when the United efforts of community are urgently demanded, and when local schisms and dissensions (?) must yield to the more important interest & reputation of our Country, the conduct of your Corps is regarded as an instance of Magnanimity and heroism reflecting distinguished honor on the Officers & Soldiers, for which they will be pleased to accept of his Excellency's sincere acknowledgements. (?)

I am,

Your ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

CAPTAIN, NOT MAJOR, WEBER.

Adj't. Genl's Office,

Albany, 18th July, 1812.

To Aaron Hackley, Jun'r, Esq'r.,

Herkimer, County of Herkimer.

Sir:—

The Commander in Chief has directed me to acknowledge the receipt of your letter of the 10th instant, and to inform you that if Mr. Weber continues to serve in the detachment he will be entitled (?) to the pay of a Captain, but not of a Major, thereof.

Very respectfully,

Your Ob't Sev't,

Wm. Paulding, Jun'r, Adj't. Genl.

MAJOR GAYLORD COMPLIMENTED.

Adjutant General's Office,

Albany, 18 June, 1812.

To Major Asa A. Gaylord,

Bath, Steuben County.

I have received your letter of the 30th June wherein you and the battalion you command, have offered to serve under the Act of Congress of the 6th of February, 1812; and in answer thereto I am instruction (?) by the Com'dr in Chief to say, that at a time when the United efforts of the community are urgently demanded and when local schisms and dissensions must yield to the more important interest & reputation of our Common Country, the conduct of the Corps is regarded as an instance of magnanimity & heroism reflecting distinguished honor on the Officers &

Soldiers, for which they will be pleased to accept of his Excellency's sincere acknowledgements. (?)

I am with esteem & Respect,

Your Obe't Sev't,

Wm. Paulding, Jun'r, Adj't. Genl.

A QUESTION AS TO WHO WILL FURNISH SUPPLIES.

Adjutant Genl. Office,

Albany, July 20th, 1812.

To Brig'e Major R. Shoemaker,

Brownville, Jefferson County.

Sir:—

I have received your letter of the 11th instant, and, in reply to it, permit me to observe that during the last spring, forms of inspection returns of the Militia of this State, for the present year, were transmitted, as required by law to general officers; & that when the Genl. Orders of the 21st day of April last were announced, forms of Company Muster Rolls and inspection Returns for the detachments, were sent to the Brigadier Genls. and forms of Regimental inspection Returns were forwarded to the Major Genls. of Militia.

As it was not supposed at the time these forms of Returns were prepared, that a greater number of them would be wanted than were necessary for the organization of the Corps to be detached, only the requisite quantity for that purpose, was, therefore, printed & transmitted by me to the proper officers. And, indeed, Sir, it is not the province of this Department but of the Secretary of War, to furnish with every description of Rolls & Returns the Militia who have been called into the service and are acting under the authority of the United States.

Your Ob't Sev't,

William Paulding, Jun., Adjutant General.

ANNUAL REPORT OF THE

CAPT. HUMPHREY COMPLIMENTED.

Adjutant General Office,

Albany, July 20th, 1812.

To Capt. C. Humphrey,

Albany.

Sir:—

The Commander in Cheif (?) has directed me to express to you the high sense he entertains of the confidence your troop has been pleased to place in him, and to assure you he has seen, with great pleasure, the patriotic zeal which has prompted the corps which you command, to tender their services in defence of the honor and interests of the United States, & thankfully accepts of their spirited offer.

I am with respect,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

VOLUNTEERS MUST EQUIP THEMSELVES.

Adj't General's Office,

Albany, July 20th, 1812.

To Mr. John M. Grant,

Chazy, Clinton County,

Sir:—

I am instructed by the Commander in Cheif (?) to inform you that volunteers to defend a single county cannot be equipped at the public expence (?), but that his Excellency's (?) has no objection to organize such corps if they will equip themselves.

I am your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

LIMIT OF JURISDICTION OF THE COMMANDER-IN-CHIEF.

Adjutant Gen'l's Office,

Albany, 20th July, 1812.

To Mr. R. Stevens,

New York.

Sir:—

If you contemplate raising men of color for the United States army, your application for that purpose must be made to the President; if however, it is your desire to have a corps of them organized for the service of this State, it cannot be done, because the Comm'r in Chief has no authority to do so.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

ANOTHER COMMANDER OF VOLUNTEERS COMPLIMENTED.

Adjutant Genl. Office,

Albany, July 20th, 1812.

To Capt. A. B. Sizer,

Madison, County of Madison.

Sir:—

I am charged by the Commander in Chief (?) to announce to you his entire approbation of the martial spirit which has impelled the respectable corps you have the honor to command to make a Voluntary tender of their services in defence of the national rights and independence. And his Excellency has further commanded me to make known to you that, in accepting your patriotic offer, he cannot withhold an expression of the Confidence he reposes in the Courage and public spirit of your Corps.

I am very respectfully, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

THE PRESIDENT'S AUTHORITY OVER TROOPS IN THE FIELD ABSOLUTE.

Adjutant Genl. Office,

New York, 3d Aug'st, 1812.

To Capt. Jno. Marston,

New York.

Sir:—

You have represented to me that you were regularly assigned as a captain in the battalion of artillery detached, pursuant to General Orders of the 21st day of April last, under the command of Major Bleecker, for the Service of the United States, that the said battalion was placed at the disposition of the President, and has been doing duty under the authority of the General Government; and you wish to be informed if all the officers originally assigned to stations in the said Corps, ought to have accompanied it while in the actual service of the United States?

Taking it for granted that everything touching this Statement has been conducted in strict compliance with the orders of the Commander in Chief (?), and military usage upon the subject, the question offers in my view of it, a case so self-evident as not to be susceptible of any illustration from the aid of facts or of deduction therefrom. It will therefore, only be necessary to remark that whenever any portion of the Militia of this State has, in conformity to the requisition of the President, been detached & organized into companies, battalions, or regiments, &c., and has been ordered into the service of the United States, it is, in my opinion, an indispensable obligation on the part of every officer, attached to any such Corps, to attend it into the field, or elsewhere (?), and to perform the duties incident to their respective commands.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

OBJECTION TO MAJOR AYCRIGG'S ORGANIZATION REMOVED.

Adjutant Genl. Office,

New York, 3rd Aug't, 1812.

To Major B. Aycrigg,

New York.

Sir:—

As you are willing that the Corps you have lately enrolled, be attached to Genl. Morton's Brigade, the objections heretofore urged against its organization do not any longer exist. All that will, therefore, be necessary to insure its formation, is the recommendation, to that effect, of the brigadier to whose brigade it is to be annexed.

I am,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

A BATCH OF DELINQUENT OFFICERS.

Adjutant Gen'l's Office,

New York, 9th Aug't, 1812.

To His Excellency Governor Tompkins,

Albany.

Sir:—

In General Orders bearing date on the 9th day of July, 1811, commanding officers of divisions were directed to transmit, annually, to the Adj. General on or before the first Monday in July, Rosters of the names, grades, & relative rank of the general officers of their several divisions; and the commanders of brigades were thereby also required in like manner to forward to this Department, Rosters of the names, grades, and relative rank of the field (?) officers of their respective brigades.

Brigadier Genl. Steddiford & Van Zandt only have, in conformity to your Excellency's commands, conveyed to me Rosters of their several corps.

The following List exhibits the names and rank of the Delinquents:

Major Generals Coles, Hathorn, Mooers, Veeder, Widrig, King, Hall, Todd of the Infantry; Van Rensselaer of the cavalry; and Stevens of the Artillery;

Brigadier Genls. Brown, Burnet, Clark, Collins, Carpenter, De Ridder, Dodge, Ellis, Fort, Germain, R. Hopkins, Haile, Hurd, Himrod, T. S. Hopkins, Huntington, Haight, Jackson, W. Martin, S. Martin, McClure, Miller, Mackey, Perlee, Pettit, Patchin, Rose, Rea, Root, Smith, Ten Broeck, Tillotson, Trotter, Van Wyck, Van Orden, Van Courtland, Wright, Wadsworth, Westbrook of the Infantry; Giles, McNeil, Van Rensselaer of the Cavalry; and Kirkland, Morton and Wilkin of the Artillery.

I have the honor to be,

Your Excellency's Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

CAPTAIN MARSTON ANSWERED.

Adj't. General's Office,

New York, 13th Aug't, 1812.

To Capt. John Marston,

New York. .

Sir:—

I have this moment received your letter of the 11th instant, wherein you desire to be informed of the "reason you were not called on duty to command the Men assigned to you agreeable (?) to the regular battalion Rolls" ?

As the order, placing in the service of the United States the battalion to which you were assigned, could not, conformably to established usage, proceed immediately from this Department to you; it is not presumable therefore, that I am acquainted with the motives which may have induced the omission to communicate such order to you. And indeed, Sir, the reason is unknown to me, why you were not summoned to act with the Detachment commanded by Major Bleecker.

I remain, your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

FOR THE PROMOTION OF MR. VANDERBILT.

Adjutant General's Office,

New York, 13th Aug'st, 1812.

To Lt. Col. Corn'l Harsin,

New York.

Sir:—

I received this day your letter of the 3rd instant, requesting the promotion of Mr. Vanderbilt. In reply, permit me to remark that every application of this nature, must, in compliance with general Orders of the 9th day of July, 1811, be made in the form of a brigade return & conveyed to this Department by the proper Brigadier. The moment, therefore, I am furnished with such a return from Genl. Morton, I will hasten its transmission to the Commander in Chief. (?)

Respectfully, Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

TROOPS DESPATCHED TO NEW YORK.

New York, Aug't 19th, 1812.

Sir:—

Your company is, as you will perceive by the annexed Order,* directed to rendezvous on Thursday the 27th Aug'st.

You are therefore authorized to engage & provide a vessel to transport it to New York. If more companies than one will join & go together in the same vessel, it will be preferred; for which purpose you will please to converse with the Commandants of other companies, which rendezvous at the same place.

It is my wish and advice, that the men wear their common or fatigue dress, untill (?) their arrival in New York. It is probable that they will be escorted through New York by the uniform corps of that City; and that the apperance (?) of the companies included in the Order, may not be excelled by any other troops, it would be well for them to preserve their uniform in perfect order, until they shall arrive in New York. All the companies hereby ordered into service, will arrive, if possible, in company at New York.

The troops at the several cities & villages will not embark untill (?) those northerly of them may arrive, and fire a cannon as a signal for embarking. It is not improbiab (?), that I shall set out with the Albany companies and accompany the whole detachment to Richmond Hill on Stateen (?) Island.

As the troops will not be likely to remain at their place of rendezvous more than forty-eight hours, it has not been deemed necessary to provide camp equipage for them there, or to require the Contractor to furnish rations. Their baggage may be stored in the vessel; and you are hereby authorized to provide barracks

*See Vol. 3d of Genl. Orders, pa. 10, 11.

and food for them, at public houses, or other suitable places, from the time of their rendezvous untill (?) their embarkation, upon as economical terms as possible.

You will likewise supply & put on board, provisions for your company for days.

Vouchers must be taken for your disbursements and the amount will be repaid to you immediately, by my Order.

The artillery companies will leave their field pieces & implements in their respective gun houses, and will be otherwise supplied at the place of their ultimate destination.

I am, Sir,

Your Ob't Sev't,

(Signed.) Daniel D. Tompkins.

To Captains Walker, Wigton, Stocking, Nelson, Butterworth, of the Artillery; & Buckley, Dubois, Pierson, Wilson, Lawson, Dennison & Birdsall of the Lt. Infantry.

GENERAL PAULDING TO MAJOR AYCRIGG.

Adjutant General's Office,

New York, 23rd Aug't, 1812.

To Major B. Aycrigg,

New York.

Sir:—

I was this morning favored with your letter of the eighth instant, and will seize upon the earliest opportunity that may be presented of laying it before the Commander in Cheif (?), with the result of your determination thereupon, you will be apprised in due season.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

A STERN REBUKE FROM GENERAL HEADQUARTERS TO A NUMBER OF
REGIMENTAL COMMANDERS.

Adjutant General's Office,

New York, 24th Aug'st, 1812.

Sir:—

In consequence of General Orders, bearing date on the 15th & 18th days of June last, assigning you to the command of a Regiment detached from the Militia of this State for the Service of the United States, it became your immediate duty, in obedience to the General Order of the 21st day of April, 1812, to transmit to this Office, an accurate inspection return of your detached regiment, and exact copies of the Muster Rolls of the respective troops or companies thereof.

More than two months having however, elapsed since the order of June was announced to you, and no such return or Rolls having been sent by you to the proper organ of the Government, you may judge, Sir, with what Painfull (?) surprise the Commander in Cheif (?) must have heard of your entire neglect of his Commands and how impossible it was for him to conceal his deep regret at perceiving an omission so absolutely inexplicable.

His Excellency has consequently directed me to entreat, nay to demand of you in his name, an immediate transmission to this Department of the proper Rolls and Return of your detached regiment, and has moreover, commanded me in the most peremptory (?) manner to take effectual means of insuring a prompt compliance with his orders.

Let me conjure you, therefore, Sir, to spare me the necessity of a recurrence to any ungracious act, and to warn you of the danger of forfeiting the esteem & confidence of the Commander

in Cheif (?), by further neglecting to comply with his just & reasonable expectation.

I am very respectfully, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun'r, Adj. Genl.

Copies of the preceeding (?) letter were transmitted to Lt. Cols. Thorn, Wickham, V. Beuren, Ditmas, Hardenburgh, Heermance, Van Wyck, Green, Miller, Vosburgh, Prior, Rich, V. Dalfsen, Harrington, Stone, Benedict, Stranahan, Mead, Dobbin, Bloom, and Allen.

GENERAL PERLEE SUCCEEDS GEN. HATHORN.

Adjutant Genl. Office,

New York, 1st Sept., 1812.

To Maj'r Genl. Edmund Perlee,

Amenia, Dutchess County.

Sir:—

In a letter from Brigadier R. Hopkins, under date of the 27th Ultimo, it is alledged (?) that the Lieutenant Colonels who were selected by the Commander in Cheif (?) to command the regiments, heretofore detached from the 2d Division of Infantry for the service of the United States, had not been assigned by Major Genl. Hathorn to those Regiments, as directed by General Orders of the 18th day of June last.

As you have lately succeeded (?) to the command of the 2d Division, in consequence of the resignation of Genl. Hathorn, it has of course, become your duty forthwith to comply with those orders by indicating to each of the said Lieut. Cols. therein named for that purpose, the particular Regiment of those detached from your Division, which such Colonel is to command; provided, it has not already been done by your predecessor.

You will perceive, Genl., by a reference to the said general Orders, a copy of which was duly transmitted to you, that the quota of troops furnished for the public service from the 2d Division, forms the 2d detached Brigade of Infantry, which is composed of the following Regiments:

The 4th commanded by Abra'm I. Hardenburgh of Shawangunk, Ulster County.

5th " by Martin Heermance of Rhinebeck,
Dutch's County.

6th " " Abra'm Van Wyck, of Fishkill, Dutch's C.

In the exciting state of national affairs, it will forcibly (?) occur to you, Sir, that the obligations of public duty demand that not a moment should be lost in carrying into full effect the orders of the Commander in Chief (?).

With great respect, I have the honor,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

Adjutant Genl. Office,

New York, 1st Sept., 1812.

To Brig'r Genl. R. Hopkins,

Goshen, Orange County.

Sir:—

In Obedience to the orders of the Commander in Chief, I have communicated the information contained in your letter of the 27th ultimo, to Major Genl. Perlee, who has succeeded to the command of the 2d Division of Infantry of this State, and who will, doubtless, cause to be executed the general Orders of the 18th Day of June last.

I have the honor to be,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

CAPTAIN TYLER'S COMPANY OF VOLUNTEERS.

Adjutant Genl's Office,

New York, 2nd Sept., 1812.

To Mr. Jno. Conklin,

Cochester, Sullivan Co.

Sir:—

The Commander in Cheif (?) has directed me to acknowledge the receipt of your letter of the 24th day of Aug't last, and to inform you that if Capt. Tyler's company should volunteer, or be ordered into service, the men heretofore drafted from that corps will then be directed to join it, otherwise they will have to march with the detached company to which they have been annexed, whenever the same shall be ordered into Service of the United States.

I am,

Y'r Ob't Sev't,

Wm. Paulding, Jun., Adjutant Genl.

THE VOLUNTEER EXEMPTS OF WORCESTER.

Adjutant Genl. Office,

New York, 3rd Sept., 1812.

To Lt. Col. Farrand Stranahan,

Cooperstown, Otsego County.

Sir:—

In obedience to the instructions of the Commander in Cheif (?), I have the honor to acknowledge the receipt of your letter of the 4th day of Aug't last, and to inform you that as soon as you will have the goodness to transmit to this Department a Roll, in conformity to the thirty-fifth section of the Act to organize the Militia of this State, passed the 29th Day of March, 1809, the volunteer exempts of Worcester, shall be organized

into a company, under the command of the officers of their selection.

I am very respectfully,

Your Ob't Sev't,

Wm. Paulding, Ju'r, Adj't. Genl.

THE ADJUTANT GENERAL UNCERTAIN OVER AN OFFICER'S RANK.

Adj't. General's Office,

New York, 5th Sept., 1812.

To Elisha Jenkins, Esq'r,

Secretary of State,

Albany.

I will thank you to inform me if George Conlin was at the session of the Council of Appointment in June or Aug't last, appointed an Ensign in the Battalion of Riflemen attached to the tenth Brigade of Infantry, or in the first Regiment of Riflemen in this City.

With respect and esteem,

Your Ob't Sev't,

Wm. Paulding, Ju'r, Adjutant Genl.

UNIFORM PRESCRIBED FOR CAPT. JOHN BLAKESLY'S COMPANY.

Adjutant Genl. Office,

New York, 7th Sept., 1812.

To Capt. Jno. Blakesly,

Granger, Columbia County.

Sir:—

In reply to your letter of the 13th of July last, which I did not receive untill (?) the 31st ultimo, the Commander in Cheif (?) has directed me to make known to you it is his pleasure that the officers, non commisioned officers & matrosses of the Company

under your command, shall uniform in long dark Blue Coats of the model of those worn by the Artillerists of the United States, with scarlet linings, facings, collars and cuffs; yellow Buttons, white underclothes, and 'cocked hats with the cockade of the Army of the United States.

I Remain,

Your Ob't Sev't,

Wm. Paulding, Ju'r, Adj. Genl.

EXEMPTS ELIGIBLE TO ORGANIZE COMPANIES, BUT NOT REGIMENTS.

Adjt. General's Office,

New York, 7th Sept., 1812.

To Mess's S. King, J. Ives & C. Doty,

Martinsburgh, Lewis County.

Gentlemen:—

The Commander in Cheif (?) has received your letter of the 15th ultimo, and whilst he applauds the manly and Patriotic sentiments it breathes, he has instructed me to communicate to you an expression of his regret, that his authority does not permit him fully to gratify the laudable wishes of the public spirited inhabitants of the County of Lewis.

The power of the Commander in Chief, in relation to citizens who are exempt from military duty, in consequenec of age, or on acount of their meritorious services in the late War, extends only to the organization of them into companies, and not into regiments, as you may perceive by the thirty-fifth section of a Law of this commonwealth, entittled (?) "an Act to organize the Militia of this State," passed the 29th day of March, 1809, and which is in the following words: "And be it further enacted, that the Commander in Chief, may in his discretion, whenever forty-five or more persons, exempted by law from Military

duty, on account of services in the late War, or age, will associate together & form a company for the defence of the country upon an emergency, in any particular place, or at any particular point of danger in case of War, and will sign a Roll, pledging themselves to bear arms, & take the field, in any district, or place in this State, when the same may be invaded or likely to be, to organize such association & Commission officers by brevet therefor."

The Commander in Chief will, with great pleasure, and to the extent of his authority, second the generous efforts of the volunteer exempts of Lewis, in the defence of the National rights; and will form them into unregimented companies, under the command of such persons as they may select for officers, whenever they shall signify their assent to such arrangement, conform to the above provision of Law, and will transmit to this Department the Roll mentioned in the said section.

I am, with sentiments of respect & esteem, Gentlemen,

Your Ob't Serv't,

Wm. Paulding, Ju'r, Adj. Genl.

MAJOR AYCRIGG COMPLIMENTED.

Adjutant Genl's Office,

New York, 8th Sept., 1812.

To Major B. Aycrigg,

New York.

Sir:—

You will recollect that on the 23rd day of Aug'st last, I had the honor to acknowledge the receipt of your letter of the eighth of the same month, and of informing you that I would take the earliest opportunity of laying it before the Commander in Chief, & of apprising you with the result of his determination thereupon.

I have accordingly submitted your letter to his Excellency, who has authorised (?) me to state to you in reply, that he does not think it expedient to annex your proposed Battalion to the first Brigade of Artillery, contrary to the wishes of the Commander thereof, because such an arrangement does not seem to promise that esprit de corps, without which military bodies are inadequate (?) to the purposes of their institution.

The Commander in Chief however, regards with approbation, "the patriotic exertions of Individuals who, in time of War, step forth with their lives and fortunes for the defence of their beloved country, their liberty, and all that is dear to men;" and feeling sensible of the merit and solemnity of the pledge they have given his Excellency will organize your contemplated corps as exempts, if they are such, or as volunteers for the public service, whenever they shall signify their assent to either of these proposed arrangements.

I remain, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

LIKEWISE GEN. ROOT.

Adj. Genl's Office,

New York, 12th Sept., 1812.

To Brig'r Genl. E. (Erastus) Root,

Delhi, Delaware County.

Sir:—

I received on the 31st day of last month, your letter of the 26th of July, wherein you do me the honor to communicate to this Department, the measures you have taken in relation to the quota of Militia heretofore directed by general orders, to be detached from your Brigade; and I pray you, General, to receive my thanks for

this mark of your promptitude & attention, and to accept the assurance of the respect and esteem with which

I have the honor to be, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun'r, Adj't. Genl.

GENERAL VAN WYCK REMOVED.

Adjut. Genl's Office,

New York, 18th Sept., 1812.

To Lt. Col. J. Townsend,

Carmel, Putnam County.

Sir:—

By a recent communication to this Department, from Maj'r Genl. Perlee, it appears that the general Order of the 21st Day of April last has not been executed by Brig'r Genl. Van Wyck, to whom a copy thereof was duly transmitted.

The Council of Appointment having since removed Genl. Van Wyck from office, without having supplied his place by the appointment of a successor, the command of the 30th Brigade of Infantry, of which he was lately the Brigadier, has of course, devolved upon the Lt. Col. thereof, senior in commission, who is, in the mean time, to exercise the functions of commanding officer of that Brigade.

As I am informed you are the oldest in commission of the Lt. Colonels attached to the said Brigade, it is my advise (?) that you execute without delay the general order aforesaid, a copy whereof is herewith transmitted for your information.

I am very respectfully, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

MISSING RETURNS OF DETACHED REGIMENTS.

Adjutant Genl's Office,

New York, 19th Sept., 1812.

To Lt. Col. Abra'm Van Wyck,

Dutchess County.

Sir:—

In your letter of the 16th instant you request to be informed whether certain returns, sent to you by officers supposed to be under your command, are such as you ought to accept. As you have not, however, transmitted to me the original or a copy, or a particular description of either of those returns, it is very obvious that I cannot answer your question without danger of misleading you.

If the returns, to which you have adverted, are similar to the printed forms of muster Rolls, & inspection Returns, which accompanied the Genl. Orders of the 21st of April last, then are they undoubtedly to be received if they proceed from Commandants of companies who have been annexed to your Detached Regiment.

The 6th detached Regiment, of which you are commandant, is, I have understood, composed of 64 Men, under Lt. Alexander Brown, from the 20th Brigade of the detached companies, from the 23rd Brigade to which Capt's Eli De Witt, Tobias Wynkoop, Thom's Bull, Ju'r, & John A. Van Aken, have been assigned, and of the detachment from the 34th Brigade; the officers transferred to which have not been reported to this Office.

Brigadier Genl. Leonard Smith, of Newburgh, Orange County, commands the latter Brigade, and will inform you of the names & places of residence of the Officers he has assigned to the command of companies detached therefrom on your application to him for that purpose.

This intelligence will, I presume, enable you in a short time to transmit to this Department an accurate inspection Return of the 6th detached Regiment, and correct copies of the muster Rolls of the companies attached to it.

I am with respect, Sir,

Your Ob't Sev't,

Wm. Paulding, Ju'r, Adj't. Genl.

Adjutant General's Office,

New York, 19th Sept., 1812.

To Lt. Col. P. S. Vosburgh,

Troy, Rensselaer County.

Sir:—

I have had the honor to receive your letter of the 11th instant, and in reply do myself the pleasure to observe that exact copies of the company muster Rolls, of the Company's (?) composing your detached Regiment, are to be sent by you to this Office; and that it is not, therefore, necessary that a regimental muster Roll of the said Regiment should be transmitted to this Department.

A regimental inspection return of your detached regiment must, however, attend the company muster Rolls, as you may perceive by the orders of the Commander in Chief of the 21st Day of April last, the substance of which your Brigadier Genl., it is presumed, has, in compliance with his duty, communicated to you, and to which I Beg permission to invite your particular attention.

Yours, with esteem & respect,

Wm. Paulding, Jun'r, Adj. Genl.

GENERAL WESTBROOK COMMENDED.

Adjutant General Office,

New York, 19th Sept., 1812.

To Brig'r Genl. Fred'k Westbrook,

Rochester, Ulster County.

Sir:—

I have received your letter of the 8th instant, and feel persuaded that whenever I shall have an opportunity of submitting it to the Commander in Chief (?) of the State, his Excellency will entirely approve of the promptitude (?) & zeal with which you have executed his orders, whilst labouring under circumstances so very embarrassing as those of which you have complained.

Accept, General, the assurance of my respectfull (?) consideration.

Wm. Paulding, Jun., Adj. Genl.

MORE INSPECTION RETURNS MISSING.

Adjutant General's Office,

New York, 21st Sept., 1812.

To Brig'r Genl. Obad'h German,

Norwich.

Sir:—

Brigade Major Rathburn has lately represented to the Comm'r in Chief, that blank forms of inspection returns for the present year have not been received by you. As such returns were nevertheless, forwarded by Post for your Brigade several months since, I think it possible they may be in the Post-Office at Norwich. If, however, the Post Master there has not received any Package containing the returns, I shall esteem it a favour if you will acquaint me with the fact, as I wish to ascertain if possible, what Postmaster has failed in the discharge of his duty.

Blank forms of inspection returns are herewith transmitted to you.

I have the honor to be, Genl.,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

Adj. General's Office,

New York, 21st Sept., 1812.

To Brig'r Genl. Sam'l Clark,

Ballstown Springs, Saratoga Co.

Sir:—

I have been informed, by the Comm'r in Chief that blank forms of inspection returns for 1812 have not been received by your (?). As such returns were, nevertheless, forwarded by Post for your Brigade several months since, I think is not unlikely they may be in the Post Office at Ballstown. If however, the Post Master there has not received any Package containing the returns, I shall esteem it a favour if you will inform me of the fact as I wish if possible, to ascertain what Postmaster has failed in the performance of his duty. In the mean time I have the honor herewith to transmit you, by post, two Packets covering the necessary returns for the 9th Brigade of Infantry.

I am with respect, Sir,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

GENERAL PERLEE AND MAJOR BRUSH PRAISED BY THE ADJUTANT-GENERAL.

Adjutant Genl. Office,

New York, 22d Sept., 1812.

To Major John Brush,

Poughkeepsie, Dutchess Co.

Sir:—

I have the honor to acknowledge the receipt of your letter of

the 10th instant, in behalf of Gener'l Perlee, and I pray the General and yourself to accept of my thanks for the prompt and judicious manner in which the intimations, contained in my communication to him of the first of this month, have been carried into effect.

I have had frequent occasion, Sir, to notice with approbation the attention and accuracy with which the affairs of the 20th Brigade of Infantry have, heretofore, been conducted, & I have not failed to make known to the Commander in Chief my opinion of the just claim of that corps to his Excellency's approbation. And be persuaded, Sir, I feel a confident assurance that the same spirit which has distinguished the transactions of that Brigade will be transferred into the administration of the 2d Division of Infantry, and will give a new impulse to its Military movements.

Any communication I may hereafter have the honor of addressing to Genl. Perlee shall, agreeably to his request, be directed to him at Poughkeepsie.

I have advised Col. Townsend to assume the command of the 30th Brigade of Infantry, and to execute without delay the Gener'l Order of the 21st of April, 1812.

I am, with much esteem, your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

THE NEW YORK VOLUNTEER RIFLE COMPANY.

Adjutant Genl. Office,

New York, 22d Sept., 1812.

To Maj'r Reuben Munson,

New York.

Sir:—

As soon as I may be authorized by the Command'r in Chief,

I will do myself the honor of signifying to you his Excellency's pleasure respecting the New York volunteer Rifle Company.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

THE THIRTY-FOURTH BRIGADE OF INFANTRY.

Adj't. General's Office,

New York, 23d Sept., 1812.

To Col. Isaac Belknap, Jun'r,

Newburg, Orange Co.

Sir:—

The necessary inspection returns for the 34th Brigade of Infantry for 1812, have long since been transmitted to Brig'r Genl. Leonard Smith, whose duty it was to cause them to be distributed to the Col's attached to his Brigade.

Lest, however, any embarrassment might arise (?) for the want of them, I have thought proper to furnish you with 24 company & two regimental forms of such returns.

Your Ob't Sev't,

Wm. Paulding, Jun., Adj't. Genl.

AS TO MUSICIANS.

Adjutant Genl. Office,

New York, 29th Sept., 1812.

To Lt. Col. Thomas Davis,

Troy, Rensselaer Co.

Sir:—

I have received your letter of the 29th ultimo, in which you intimate a desire to be informed whether musicians enrolled in the light infantry Companies attached to your Regiment, may, without the consent of their respective Captains, leave their companies and enroll themselves as your regimental Band? As a

full and I presume, satisfactory answer to your enquiry, I beg leave to refer you to a part of the 26th Section of An Act to amend an Act, entitled "An Act to organize the militia of this State," passed the 2nd day of April, 1810; which act is in the following words:

"And be it further enacted, that no person heretofore enrolled, or who may be hereafter enrolled as a musician in any company or troop, shall be permitted in any case whatever (except that of a removal from the district of the regiment or battalion to which such company or troop belongs) to leave such troop or company, without the written consent of the Captain, or commandant of such company or troop."

From the proceeding (?) provision of Law, it appears sufficiently clear that the musicians heretofore enrolled, in Captains Higbie's & Lyon's companies, unless they have removed from the Regimental beat, are liable to do duty in the said companies as musicians, and not otherwise, according to the terms of their agreement, until they shall have received, from the commandants of their respective companies, a written permission to leave the same or have left the regimental district; and that they are of course, subject to be called with their companies into Service by the Commander in Chief of the State. It may be useful further to remark that when a Regiment or Battalion is formed in line of Battle, or is manauvring (?) &c., the music belonging to companies attached to those Corps, is to be posted by the order of the senior officer on parade according to established usage, & therefore cannot always be with its proper company, nor can the musicians in such case be legally fined, in consequence of their temporary but necessary absence from their several companies. When the exercises and evolutions of the line are finished & the

regiment or battalion is dismissed, the music will rejoin the company to which it is annexed.

As the Commander in Chief (?) had, previously to the receipt of your letter, placed in my hands a statement of this case from the members of the Band, I will thank you to make known to them my opinion on the subject.

I am, Respectfully,

Your Ob't Sev't,

Wm. Paulding, Jun., Adjutant Genl.

INSPECTION RETURNS.

Adjutant General's Office,

New York, 10th Octo'r, 1812.

To Lt. Col. Js. Townsend,

Carmel, Putnam County.

Sir:—

Since it is possible you may not have received from the late commander of your Brigade, the forms of returns sent to him some months since, I have the honor herewith to transmit to you, by Post, the necessary inspection returns for your Brigade, for the present year, which you will cause to be distributed as by law directed.

I Remain,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

Adjutant Genl's Office,

New York, 21st Octo'r, 1812.

To Brig'e Maj'r Rich'd Rapalje,

Fishkill, Dutchess Co.

Sir:—

I have received your letter of the 19th instant, in which you request me to send you blank inspection Returns, for the Brigade lately commanded by General Van Wyck.

If, Sir, you will have the goodness to refer to the 54th Section of the militia Law of this State, of 1809, you will perceive that it is their (?) made the duty of the Adjutant General to furnish Returns, not to Inspectors, but to Commandants of Brigades, who are to make the proper distribution of them. I accordingly, in May last, transmitted to Genl. Van Wyck the Returns necessary for the 30th Brigade of Infantry, for the present year. Fearing, however, that Col. Townsend, upon whom the command of the above Brigade had devolved, might not have received those Returns from his Predecessor, I, on the 10th instant forwarded, by Post, to the Col'l the requisite number of blank Returns for his Brigade.

With sentiments of Respect,

Your Ob't Sev't,

Wm. Paulding, Jun., Adj. Genl.

GEN. PETER VAN ZANDT RESIGNS.

Adj. Genl's Office,

New York, 17th Nov'r, 1812.

To Brig'r Genl. Peter Van Zandt,

New York.

Sir:—

I have it in charge of the Commander in Cheif (?) to acknowledge the receipt of your letter of the 12th instant, wherein you have tendered to him a resignation of your commission, of General of the third Brigade of Infantry. And his Excellency has also been pleased to command me to assure you that whilst he has seen, in the reasons you have alledged (?) in justification of this measure, sufficient cause for his acceptance of your resignation, and does accordingly accept of the same, he, nevertheless,

feels much regret that the State should be deprived of your services in a season of great national peril, demanding the aid of all its patriotic citizen Soldiers. (?)

Accept, Genl., the assurance of my respectfull (?) consideration.

Wm. Paulding, Jun'r, Adj. Genl.

STRENGTH OF FOUR COMPANIES OF VOLUNTEERS.

Adj. General's Office,

New York, 23d Nov., 1812.

To The Commander in Chief,

New York.

In obedient to your Excellency's commands, I have the honor to Report to you the Strength of the following volunteer companies:

Capt. Richard C. Skinner's	28	} Non-commissioned Officers and Privates.
" Lyman Stanford's	29	
" Thomas Matchin	55	
" William McCarty's	26	
	<hr/> 138	

All of which is respectively (?) submitted by your Excellency's Obedient Sev't,

Wm. Paulding, Jun., Adj. Genl.

STATUS OF THE REGIMENTAL ADJUTANT.

Adjutant General's Office,

New York, 14th Dec'r, 1812.

To His Excellency Governor Tompkins,

Albany.

In obedience to your Excellency's commands, I have the honor to communicate to you my answer to the question, proposed by

adjutant Griffin, and upon which your Excellency has been pleased to require my opinion.

If there be no error in the representations of Mr. Griffin, it will then appear that at the same session in 1806, of the Council of Appointment, Mr. Abraham R. Adriance was appointed an Ensign, and Mr. Griffin adjutant of the same Regiment, and that, the last winter, the former was promoted to a majority therein, in prejudice of the rank and rights of the latter gentleman.

By the 3d section of an act of Congress, passed the eighth day of May, 1792, Adjutants of Regiments are to rank as lieutenants. It follows, therefore, as a necessary consequence, that Mr. Griffin was superior in grade to Mr. Adriance, at the time they were first respectively commissioned in their Regiment. And, inasmuch as the case of Mr. Griffin clearly comes within the purview of the seventh section of an act to organize the militia of this State, passed the twenty-ninth day of March, eighteen hundred and nine, & of the twenty-third section of the Act to amend the same, passed the second day of April, one thousand eight hundred and ten, I am of opinion, unless Mr. Griffin has waived his right to promotion, that he, and not Mr. Adriance, ought to have been appointed a Major in the Regiment to which they are attached.

I have the honor to remain,

Your Excellency's Obedient Servant,

William Paulding, Jun., Adjutant-General.

RESIGNATIONS OFFERED IN THE PRESENCE OF THE ENEMY REFUSED.

Albany, January 18, 1813.

Sir:—

The resignation of Captains Ward, Foote and Boyd, and of Lieutenant Worthington of the 10th (?) Regiment of Infantry,

have been laid before me by the Adjutant General. Those officers do not assign such reasons for their resignations as will justify the acceptance of them, especially now, when the situation of the City and harbour of New York must momentarily require all the military knowledge, discipline and talents of these officers who have been trained, and had some experience in discipline. I have therefore declined accepting the said resignations, and you will consider the before mentioned officers liable to perform the duties of their respective stations accordingly.

I am, Sir, with much respect,

Your Ob't S'v't,

Daniel D. Tompkins.

Brig. Genl. Steddiford.

RELATIVE TO DEPUTY QUARTERMASTER GENERALS.

Albany, January 19, 1813.

D'r Sir:—

I have just received your letter of the 14th Instant. The Act of Congress regulating the Quartermaster's Department, authorises (?) the appointment of deputies not belonging to the army; and I do not think such appointment vacates or annuls any commission he may hold in the militia of this State. The two offices are perfectly compatible.

Should the duties of the Quartermaster's office interfere with the other, so as to put it out of the power of the person holding both, to pay proper attention to his militia office, or to cause him to neglect the duties of that office, he thereby renders himself liable to be cashiered by a Court martial, or to be superseded by the Council. But until such neglect or inability to perform the duties of his militia office shall occur, I consider Capt. Rees entitled to retain and exercise his office of Captain, if he chooses

to do so, notwithstanding his acceptance of the office of Assistant-Deputy Quartermaster.

I am, d'r Sir, with great respect,

Your Ob't Serv't,

Daniel D. Tompkins.

Lt. Col. Walter Grieve.

AS TO COURTS MARTIAL.

Albany, January 19, 1813.

Sir:—

Your communication of the 17th December last, and the order and notice of arrest annexed thereto have been recently received from the Adjutant General.

By referring to the Act of this State passed April 2d, 1810, amending the militia law, you will find that the law contemplates that the officer whose duty it is to order any Court Martial, for the trial of officers, shall be furnished not only with a notice of the arrest, but also with a copy of the charges on which the arrest is made (see public laws of 1810, page 58), and by the 73d section of the militia law of this State, passed 29th March, 1809, it is necessary to make the arrest and proceedings thereon legal, that the officer arrested be served with a copy of the charges in writing, signed by the arresting officer within three days after the arrest. (See public laws of 1809, page 234.)

I presume you have complied with the provisions of the last mentioned act, by having furnished Capt'ns Seaman and Tompson within three days after their arrest, with copies of the charges upon which the arrests were predicated, and it therefore only remains, that pursuant to the amendatory law above mentioned, you furnish the Adjutant General or myself with a copy of those charges, that I may be enabled to judge wether (?) they

will justify a Court Martial or not. Should they require or warrant it, your request for the organization of a Court Martial for the trial of the said officers shall be immediately complied with.

I am, d't Sir, respectfully,

Your Ob't Serv't,

Daniel D. Tompkins.

Major Daniel Fisher.

GOODSPEED'S REGIMENT TRANSFERRED FROM REA'S TO M'CLURE'S
BRIGADE.

Albany, January 24, 1813.

Sir:—

Your letter of the 18th instant has been received. By a General Order bearing date the 13th day of July, 1808, Lt. Col. Goodspeed's Regiment was by the mutual consent of Genl's Rea and McClure, taken from Rea's brigade and annexed to McClure's until further orders. At that time I believe the district composing Lusk's Battalion was within Goodspeed's Regiment, and suppose it is under that General Order. General McClure now claims the command of that battalion, and if the above supposition be correct he is entitled to that command. An officer's commission confers on the office and gives him the rank, privilege and respect appertaining to his grade, but the limits of his command are the subject of orders, and those limits may be from time to time changed. I dare say General Rea's commission is as Brigadier General of the militia in Niagara County, yet the order dividing his Brigade and giving you the command of a part entitles you to the command of the part so assigned, notwithstanding the phraseology of his commission. It is a pity that so much controversy and trouble should have grown out of the situation of Lusk's battalion. I am willing to attach to either

brigade according as may be most convenient and beneficial for the Inhabitants composing the battalion and whenever you and General McClure will agree upon that point, and if you disagree will submit your respective statements upon the subject, I will cheerfully (?) and promptly act upon them.

I am, Sir, respectfully,

Your Ob't Serv't,

Daniel D. Tompkins.

Genl. Timothy S. Hopkins.

PART IV.

Embracing Manuscript Volume XIII
and General Orders Issued while Governor
Tompkins was in Command of the
Third Military District, from October
23, 1814, to April 18, 1815.

GOVERNOR TOMPKINS AS A SOLDIER.

THE PRESIDENT'S ORDER PLACING HIM IN COMMAND OF THE THIRD
MILITARY DISTRICT.*

War Department, Oct'r 14th, 1814.

Sir:—

The President commits the Command of the Military District No. 3 to you, and requests that you will repair to the City of New York, without a Moment's delay, to enter on its duty.

I have the Honor to be, Sir,

Your Excellency's Ob't Serv't,

Jas. Monroe.

His Excellency Gov'r D. D. Tompkins.

GOVERNOR TOMPKINS ASSUMES COMMAND

AND ESTABLISHES HEADQUARTERS AT THE CITY HALL, NEW YORK.

Adj't Gen'l's Office, 3d M. D.,

G. O.:

New York, 23d October, 1814.

The President of the United States having committed the charge of the third Military District to the Commander in Chief of the Militia of the State of New York, he this day assumes the command. The troops will be reviewed in the course of the ensuing week. In the meantime he enjoins upon them a perseverance in that attention to discipline & duty which has hitherto distinguished them. Headquarters will be kept for the present at the City Hall, where Officers having charge of Departments

* Mss. volume IX, page 257.—STATE HISTORIAN.

in this District will forthwith report the state of their respective commands.

By order of His Excellency:

Daniel D. Tompkins,
Commanding the third Military District.

(Signed.) Thos. Chrystie,
Asst. Adjt. Genl.

AFTER ORDERS.

After Orders:

Doct'r Byrne, Surgeon of the 27th Regt. of Infantry will repair to the cantonment of New Utrecht & join his Regt.

Doct's Badeau, Surg's Mate of the same Regiment will remain on Governor's Island, and attend the sick of the Infantry until further Orders.

By order:

(Signed.) T. C., Asst. Adjt. Genl.

Additional After Orders:

Ensign Wm. Kemble of Genl. Curtenius' Brigade, will report himself for duty to Lt. Wm. Renwick, Acting Topographical Engineer. John Oothout, Private in Capt'n Varick's Comp'y of Genl. Morton's Brigade, & Wm. Proctor, Private in Capt'n Fleming's Comp. of Genl. Steddiford's Brigade, will do duty under the orders of Lt. Wm. Renwick.

James Armstrong of Capt'n Cratterton's Comp'y.

Brig. Genl.

Brigade.

Ketchel Bridge of Capt'n McCoon's,
Timothy Russel of.....Turk's,
John Kinny of.....Maxwell's,
Walter M. Bush of.....Turk's, and
John Saunders of.....Riker's.

Brig. Genl.

Brigade.

John Trout of Capt'n Weed's Comp.
Oliver Hicks
Stephen S. Rand

Brig. Genl. Morton's Brigade.

James Galley, Maj'r Smith's Bat',
Thos. Vredenburgh, Capt'n Bloodgood's C'y.

James Snyder of Capt'n Whittemore's C'y of

Brig. Genl.

Brigade.

Gilbert Barker of Capt'n Drake's C'y,
Daniel Williams " McClure's.
Peter Ackerman " "

Brig. Genl.

Brigade.

Timothy Wood, of Capt'n Forman's,
William Chambers, " Bremner's,

Brig. Genl

Brigade.

Samuel Taft, of Capt'n Sampson's,
George Fordham, " Emmett's.

The above named, beginning with " James Armstrong " are detail'd to work on the Fortifications at Brooklyn Heights, at the request and under the orders of Brig'r Genl. Swift.

By order:

(Signed.) Thos. Chrystie, Asst. Adjt. Genl.

ORDERS A REVIEW OF GENERAL SWARTWOUT'S BRIGADE.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 29th October, 1814.

The Brigade of N. Y. S. detached Militia commanded by Brigadier Genl. Swartwout will be reviewed by His Excellency the Commander in Chief on Monday next, the 31st inst., at half past 1 O'cl'k P. M. After Review the Brigade will be mustered & inspected for pay by the Asst. Insp'r General Major Spencer.

By order:

(Signed)

Thos. Chrystie, Asst. Adj't.

Genl.

TROOPS ASSIGNED TO WORK ON NEW YORK FORTIFICATIONS.

After Orders:

Andrew Toburn, Timothy Bulkley, John Bulkley, John Griffiths, John Lunnigan and Richard Cummings, of Capt'n Dunscomb's company, Genl. Mape's Brigade, are detailed to work on the Fortifications at Sandy Hook, at the request and under the orders of Brig'r Genl. Swift.

By order:

(Signed.)

T. C., Asst. Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,

New York, 31st Oct'r, 1814.

General Orders:

Obadiah Sands & John Kembel, privates in Capt'n D. Smith's Company, General Steddford's Brigade, are detailed to work at the Fortifications at Harlaem, and Robt. Service, John Speer, Paul Casselear & William Reeves, privates in Capt'n Nicholl's company, Genl. Mapes' Brigade, are detailed to work at Sandy Hook, at the request, and under the orders of Genl. Swift.

By order:

(Signed.)

T. C., Asst. Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,

New York, 1st Nov'r, 1814.

G. O.:

The prisoners of War lately brought into this Harbour, and delivered in charge of the Marshal of the District, will be quarter'd on Bedlow's & Ellis's Islands under the command of Capt'n Swett until further orders.

Lieut. Robt. Shaw Jr. of the 42d Regt. has leave of absence for two weeks for the recovery of his health. At the expiration of his furlough he will report himself at the Adj't. General's Office.

Joseph Dean & Eaden B. Carmen of Capt'n Birdsall's Company, General Steddford's Brigade, are detailed to work on the fortifications at Harleam, under the orders of Brig'r Genl. Swift.

By order:

(Signed.) Thos. Chrystie, Asst. Adj't. Genl.

SURGEON HALL COURT MARTIALED AND REPRIMANDED.

Adj't. Gen'l's Office, 3d M. D.,

New York, 2d November, 1814.

G. O.:

At a General Court Martial which convened on Governor's Island in pursuance of General Orders of the 6th & 19th of October, and of which Lt. Col'l Talmadge was President, the following case was tried, viz.:

Henry F. Hall, surgeon of the 42d Regt. U. S. Inf'y was arraigned on the following charges, preferred by Lt. Col'l Forbes of the 42d Infantry:

Charge 1st. Neglect of duty.

Specification 1st. In absenting himself, without leave, from the sick of the Regiment, between 50 and 64 in number, while in tents near Fort Lewis, Long Island, from the 11th of October to the 19th of the same month.

Specification 2nd. In abandoning the Hospital and public stores appertaining to it, at the Garrison of Sandy Hook, on the 18th of September last.

Specification 3d. In declining to attend & administer medicine, to the wife & child of the Serjeant Major, on, or about the 24th of August last, then in Garrison at Sandy Hook.

Specification 4th. In not attending upon Lieuts. Cooper, Taylor & Cross, when sick near Fort Lewis, in September & October, 1814.

Specification 5th. In not commuting the whiskey & rations of the sick, for their relief & comfort as directed.

Charge 2nd. Disobedience of Orders.

Specification 1st. In not accompanying the sick of the Regt. when placed under his special care, on board the Transport Sloop Fox, on the 18th of September last, from Sandy Hook to New York.

Specification 2nd. In not establishing his quarters in the Encampment, in conformity to the orders of the 22d September.

Charge 3d. Conduct unbecoming an officer and a Gentleman.

Specification 1st. In uttering a falsehood. That he was under the necessity of attending the sick of the 41st Regt. and assigning the same as a reason for not complying with the Battalion order of the 22nd of Sept'r and afterwards equivocating when charged with having made the assertion.

Specification 2nd. In uttering a falsehood, viz: That Lieut. Col'l Forbes would not attend to the wants of the sick.

Specification 3d. In uttering a falsehood, viz: That Lieut. Col'l Forbes had no business with his requisitions for provisions, and afterwards denying the assertion.

To which several charges & specifications the Accused pleaded:

"NOT GUILTY!"

But admitted the facts as stated in the 3d Specification of the 1st Charge, and in the 1st & 2nd Specifications of the 2nd Charge.

The Court having deliberately weighed the evidence applicable to the several Specifications, was of opinion that the facts alledged (?) in justification of the Accused, are sufficient to exculpate him from any criminality attached to the specifications of the first Charge, and doth accordingly pronounce the accused not Guilty of "Neglect of Duty."

The Court was next of opinion that the circumstances offered in evidence in behalf of the accused, under the 2nd Charge, tho' in some measure tending to palliate the Offence, do not amount to a full Justification.

The Court doth accordingly pronounce the Accused "Guilty of Disobedience of Orders" under both Specifications of the 2nd Charge.

The court, lastly, is of opinion, that the 1st and 2nd Specifications of the 3d Charge are "not proved." That the 3d specification of the same charge be dismissed, inasmuch as it is vague & indefinite, designating neither time or place, both of which are indispensable (?) to a charge, according to the practice of all Judicial Tribunals. As guardians of the rights of the prisoner, the Court feels bound to protect him from accusations defective and illegally preferred. (?)

Whereupon the Court doth pronounce the accused "Not Guilty" of conduct unbecoming an Officer and a Gentleman, as alledged (?) in the several specifications under the last charge.

In consideration therefore, of the extenuating circumstances offered in excuse of the offences specified under the 2nd Charge, the Court is disposed to be lenient, and doth adjudge and determine, that Henry F. Hall, Surgeon of the 42d Regt. U. S. Infantry, be privately reprimanded by the Brigadier General commanding the Military post at New Utrecht, Long Island.

The Commandant of the District having attentively considered the proceedings & determination of a Court Martial whereof Lt. Col'l Talmadge was President, instituted for the trial of Henry F. Hall, Surgeon of the 42d Regt. U. S. Infantry, approves and confirms the same, and requests that the Brigadier General commanding the Military Post at New Utrecht, to execute the sentence of private reprimand at such time & in such manner as he shall deem proper.

The General Court Martial of which Lt. Col'l Livingston was appointed President by order of the 6th Ultio. & of which Lt. Col'l Talmadge was by orders of the 19th Ultio. appointed in the place of Lt. Col'l Livingston, is dissolved.

Doct'r Hall will repair to New Utrecht & report himself to Brig'r General Boyd tomorrow forenoon.

Capt'n Walters of the 32d Regt. of Inf'y is appointed by his Excellency to act as Adjutant Inspector General, & Capt'n Emmet of the Detached N. Y. S. Militia to act as an assistant in the Inspector General's Department, until further orders.

Doct'r Badeau, Surgeon's mate of the 27th Regt. will immediately proceed to the Cantonment at New Utrecht & report to the Commanding Officer. Doctor Rapelye of the 46th Regt. will repair to Governor's Island & report himself to Lt. Col'l Talmadge.

It shall be the duty of the Surgeon of Brig'r Genl. Swartwout's Brigade on duty at the Narrows, to attend the sick of Capt'n Hanham's Comp'y at Fort Richmond.

Zebulon Grant, Private in the 42d Regt. is discharged from duty in the Adj't. Genl's Office, & ordered immediately to return to the Regt. at New Utrecht.

By order:

(Signed.)

T. C., Asst. Adj't. Genl.

A BATCH OF GENERAL ORDERS.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 3d Nov'r, 1814.

The Deputy Quartermaster General is directed to cause the wells in Fort Lewis at New Utrecht to be cleaned out immediately or new ones to be dug in such positions as Genl. Swift shall point out. The General is requested to direct an officer of his department to repair to the Fort, and designate the places accordingly.

Genl. Boyd will detail fatigue parties from his Brigade in such numbers and at such times as may be consistent with the health & discipline of his command, to assist in digging & completing the wells.

The Deputy Quartermaster General is also directed to cause barracks or Winter Quarters to be provided for Genl. Haight's Brigade at or near Brooklyn, and will make a requisition for one of the Rope walks in the vicinity if convenient quarters cannot be otherwise obtained.

A General Court Martial is appointed for the Brigade of Militia of which Lt. Col'l Isaac Belknap, Jun'r is Commandant. Lt. Col'l John Brush will be the President of the General Court Martial, and the Commandant of the Brigade will detail four officers as Members & direct the time & place of the meeting of the Court

His Excellency the Commandant of the District will review Brig'r General Curtenius's Brigade to-morrow at 3 O'clock P. M., and on Saturday will visit Governor's, Bedlow's & Ellis's Islands,* beginning with Governor's at 10 O'clock A. M.

Brig'r Genl. Curtenius will detail from his Brigade a detachment of 400 exclusive Field & Company Officers to relieve the Guard & Fatigue Party from Genl. Mapes's Brigade, stationed at McGowan's Pass, Harlaem, on Saturday the 5th Inst. The Brigade Quartermaster will see that the Detachment is properly supplied for one week. It will occupy the Cantonment of General Mapes's Detachment.

The favorable representation made by Major Hall in favor of Joseph Carter, a marine under sentence of a General Court Martial, induces His Excellency the Commandant of the District to remit the remainder of his punishment & orders that he return to duty.

Lieut't Fred'k Barnard of the 1st Regt. of Infantry, not being able to do duty on account of ill health, is furlough'd for two months for the purpose of remaining at Ballstown Springs, as

* Under chapter VI, laws of 1800 of New York, Governor's, Bedlow's and Ellis Islands were ceded to the United States Government.—STATE HISTORIAN.

recommended by his surgeon. At the expiration of his furlough, or being able sooner to do duty, he will report himself to the commanding officer at Green Bush.

By order:

(Signed) Thos. Chrystie, Asst. Adj't. Gen'l.

A NUMBER OF COURTS MARTIAL.

Adjut. Gen'l's Office, 3d M. D.,

New York, 4th Nov'r, 1814.

G. O.:

Doctor W. V. Wheaton, Hospital Surgeon, in pursuance of orders from the War Department, will repair as soon as practicable to District No. 2, New London, and report to Brig'r Gen'l. Thomas H. Cushing.

The order of yesterday for the march of a Detachment from Brig'r General Curtenius's Brigade is countermanded. Major General Stevens will furnish from his division the Guard at that Post until further orders.

At a General Court Martial of which Lieut't Col'l Dubois of General Haight's Brigade is President, the following cases were tried, viz:

Elijah Brown, a Private in Capt'n Curtis's Company.

Charge. That on the 22d Sept'r, 1814, the Prisoner went away from Brooklyn rope-walks without leave & remained until the 7th of Oct'r, when he was brought back by the Guard sent after Deserters. Pleaded Guilty. The Court, after mature deliberation, sentence the Prisoner to hard labour during the remainder of his term of service at some of the Posts in the Harbor of New York.

Henry Leaman, a Private in Capt'n Curtis's Comp'y.

Charge. That on the 12th Sept'r, 1814, the Prisoner went away without leave & remained until the 7th Oct'r when he was brought back by the Guard sent after Deserters. Pleaded Guilty. Sentence. The Court, &c., to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Thomas Y. Young, a Private in Capt'n Curtis's Comp'y.

Charge. That on the 26th Sept'r the Prisoner went away from Brooklyn Encampment without leave & Remained until the 7th Oct'r when he was brought back by the Guard sent after Deserters. The Court after mature deliberation, sentence the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Simon G. Dutcher, Private in Capt'n Curtis's Comp'y.

Charge. That on the 22d Sept'r, 1814, he went away from the Encampment without leave, returned the 5th of Oct'r. Pleaded Guilty. The Court, after mature deliberation, sentence the Prisoner to one fortnight's hard labor in some one of the Forts in the Harbor of New York.

Andrew Luther, Private in Capt'n Snyder's Comp'y.

Charge. That the said A. Luther deserted from the Encampment at Brooklyn on Saturday the 18th of Sept'r, 1814. Pleaded Guilty. The Court after mature deliberation sentence the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

John Myers, Private in Capt'n Snyder's Comp'y.

Charge. That the said John Myers deserted from the Encampment at Brooklyn on the 18th Sept'r, 1814. Pleaded Guilty. The Court after mature deliberation sentenced the Prisoner to one month's hard labor at some one of the Forts in the Harbor of New York.

Benoni Leroy, Private in Capt'n Best's Comp'y.

Charge. That the said Benoni Leroy left the Comp'y at Brooklyn on or about the 18th of Sept'r last without leave. Pleaded Guilty. The Court after mature deliberation sentence the Prisoner to hard labor at some one of the Forts in the Harbor of New York, during the remainder of his term of service.

James Gurney, Private in Capt'n Haight's Comp'y.

Charge. Leaving his Comp'y at Brooklyn on or about the 7th Inst't without leave of his officers & returned to camp himself the day Pleaded Guilty. The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor in some one of the Forts in the Harbor of New York.

Francis Gurney, Private in Capt'n Haight's Comp'y.

Charge. Leaving his Comp'y at Brooklyn on or about the 7th Inst. without leave of his officers and returned to camp himself the next day. The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York.

Benjamin Gurney, Private in Capt'n Haight's Comp'y.

Charge. Leaving his comp'y at Brooklyn on or about the 7th Inst. without leave of his officers and returned to camp himself the next day. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor in some one of the Forts in the Harbor of New York.

Oliver Odel, Private in Capt'n Haight's Comp'y.

Charge. Leaving his company at Brooklyn on or about the 7th Inst. without leave of his officers and taken by a guard the same night. Pleaded "Not Guilty." The Court after mature deliberation find the Prisoner not Guilty of the charge.

Minot Ripley, Private in Capt'n Van Bentherson's Comp'y.

Charge. Leaving his company at Brooklyn Encampment on or about the 18th Sept'r, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York for or during the remainder of his term of service.

John D. Houghtailing, Private of Capt'n Van Bentherson's Comp'y.

Charge. Leaving his company at Brooklyn Encampment on the 22d of Sept'r, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Jones T. Bush, Private of Capt'n Van Bentherson's Comp'y.

Charge. Leaving his company at Brooklyn Encampment the 20th Sept'r, 1814. Pleaded "Not Guilty." The Court taking into consideration the circumstances of the Case of Jones T. Bush, sentenced him in consideration of personal disability, to be dismissed the service.

Joseph Washburn, Jun'r, private in Capt'n Hardenburgh's Comp'y.

Charge. Deserted from his company at Brooklyn Encampment without leave of his officers on or about the 20th of August, 1814, and returned with the Guard sent after deserters, October 16th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Abraham N. Lewis, Private in Capt'n Hardenburgh's Comp'y.

Charge. Deserted from his Company at Brooklyn Encampment without leave of his officers, on or about the 26th of August, 1814, & returned with the Guard sent after Deserters October 16th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Thomas Keator, Private in Capt'n Hardenburgh's Comp'y.

Charge. Deserter from his company at Brooklyn Encampment without () on or about the 26th of August 1814, and returned with the guard sent after deserters Oct. 16th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one Fortnight's hard labor at some one of the Forts in the Harbor of New York.

Lawrence Knickerbacker, Private in Capt'n Hardenburgh's Comp'y.

Charge. Leaving his company on or about the 1st Sept'r, 1814, on furlough for 20 days & not returning at the expiration of said furlough, was brought back by the guard sent after deserters Oct'r 16th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York.

Walter Woolsey, Private in Capt'n Hardenburgh's Company.

Charge. Deserted from his comp'y at the garrison at Fort Lewis on or about the 20th Sept'r 1814, & returned with the guard sent after deserters Oct. 16th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York.

John Barring, Private in Capt'n Martin's Comp'y.

Charge. Leaving his company at Brooklyn Encampment without leave of his officers on the 7th of Oct'r, 1814, and returned the 15th of Oct'r, 1814, of his own accord. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one week's hard labor at some one of the Forts in the Harbor of New York.

Simeon De Witt, Private in Capt'n Hardenburgh's Company.

Charge. On the 7th of Sept'r last, said Simeon De Witt had leave of absence until 5 O'Clock P. M., and did not return () Oct'r 12th, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York.

Samuel McCoughtry, Private in Capt'n Robertson's Comp'y.

Charge. In that he the said Samuel McCoughtry on the 12th of Oct'r, 1814, being posted as a sentinel (?) in the rear of the Guard house, did then and there fall asleep. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to be confined for four days after the approval of his sentence, in the Guard house, and to be brought out every Day at 3 O'Clock & posted for an hour in front of the Adjutant's Marque with a board hung before his breast, having his offence upon it in writing, and then to be drummed along the line of his Regiment & returned to his Guard house.

Peter Wager, Private in Capt'n Haight's Comp'y.

Charge. In permitting men to pass during the night on the 13th Inst., without challenging them. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to be confined in the Guard house 2 days after the approval of his sentence and to be drummed twice along (the line) of his Regt. at evening parade with a paper on his breast specifying his offence.

James Capt'n Sampson's Comp'y.

Charge. Forcing a sentinel and collaring him while on Post, with insolent language to officers on the 14th Oct'r, 1814. Pleaded "Not Guilty." The Court after mature deliberation sentenced the Prisoner to one month's hard labor at some one of the Forts in the Harbor of New York.

David Smith, Private in Capt'n Cherritree's Comp'y.

Charge. For desertion on the 7th Sept'r, 1814, from the Encampment at Brooklyn. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service, and stoppage of half his pay during the same period.

Smith S. Sutherland, Musician in Capt'n Baker's Comp'y.

Charge. In deserting the Encampment at Brooklyn, Sept'r, 1814. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Daniel Parks, Private in Capt'n Robertson's Comp'y.

Charge. That on the 18th of Oct'r, 1814, about midnight, the above mention'd Daniel Parks slept while on Post. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to receive a public reprimand from his Colonel, at the head of his Regiment.

Ensign Montagne of Lt. Col'l Van Dalfson's Reg't.

Charge. Disobedience of Orders, in that he did not appear and report himself as one of the officers of the Guard on the 18th Inst. Pleaded The Court after mature deliberation acquitted Ensign Montagne of the charge preferred against him.

Lieutenant Loomis of Lt. Col'l Dalfson's Regt.

Charge. Disobedience of orders in that he did not appear, agreeable (?) to orders & report himself as one of the officers of the Guard on the 18th Inst. Pleaded "Not Guilty." No proof appearing in support of the charge, Lieut. Loomis was discharged.

Isaac Houghtailing, Private in Capt'n Baker's Comp'y.

Charge. In that the said Isaac Houghtailing did on or about the 14th day of Oct'r inst. desert and leave the service of the United States after having been regularly detached for the same. Pleaded "Not Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service, with a ball affixed to his leg by a chain, with a stoppage of one-half of his pay during the same period, and to be drummed along the line of his Regt. before the Execution of his sentence.

Nicholas E. Vischer, Ensign in Lt. Col'l Rogers's Regt.

Charges. Charge 1st. For tampering with the sentinels and endeavoring to obtain the countersign in an improper manner. Specif'n. On the evening of the 18th he did try to persuade the sentinels to give him the Countersign when he must have known that it was contrary to their instructions. Charge 2d. For Unofficerlike and ungentlemanlike conduct. Specif'n. That his general conduct is Unofficerlike, being frequently intoxicated & observed in company degrading the character of an Officer. Charge 3d. Leaving the limits of the Encampment after his arrest. Pleaded "Not Guilty." The Court after mature deliberation on the testimony adduced in the case of Ensign Vischer in Lt. Col'l Rodgers's Regt., say they find the Prisoner "Guilty" as to the first charge, "Guilty" as to the second charge & Guilty as to the third, & sentenced the said Ensign Vischer to be Cashiered.

Lieut. Lansing.

Charges. Charge 1st. Intoxication. Specif'n. In that the said Lieutenant Lansing was in the evening of the 18th Inst. in a state of Intoxication. Charge 2d. Improper and unofficerlike conduct. Specif'n. In that the said Lieut. Lansing when one of the Officers of the Guard and stationed with a part of the Guard at the Rope walk in this Encampment did conduct himself in an ungentlemanly & unofficerlike manner on the evening of the 18th. Pleaded "Not Guilty." The Court after mature deliberation say, That as to the first Charge they find him "Not Guilty." And as to the second they find him "Not Guilty."

Lewis Angwine, Private in Capt'n Daniel Ackerman's Company.

Charge. Leaving his company at Brooklyn Encampment on the 14th Oct'r & remaining until the 19th without leave of his Officers. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York for one fortnight.

Peter Brate Private in Capt'n Best's Comp'y.

Charge. That the said Peter Brate Jun., left the Company at Brooklyn on or about the 21st of Sept'r last without leave. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Jeremiah Luther, Private in Capt Best's Comp'y.

Charge. That the said Jeremiah Luther left the company at Brooklyn on or about the 19th Sept'r last without leave. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Wm. Conkling, Private in Capt'n Best's Comp'y.

Charge. That the said Wm. Conkling left the company at Brooklyn on or about the 19th Sept'r last without leave. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor at some one of the Forts in the Harbor of New York during the remainder of his term of service.

Jesse Fisher, Private in Capt'n Daniel Ackerman's Comp'y.

Charge. Leaving his company at Brooklyn Camp on the 14th Oct'r, 1814, and remaining untill (?) the 19th without leave of his Officers. Pleaded "Guilty." The Court after mature deliberation, sentenced the Prisoner, in consideration of personal disability, to be dismissed the service.

Jacob Springsteel, Private in Capt'n Ackerman's Comp'y.

Charge. Leaving his company at Brooklyn Camp on the 14th Oct'r & remaining until the 19th without leave of his Officers. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to one fortnight's hard labor at some one of the Forts in the Harbor of New York.

Joseph Stuart, Private in Capt'n Hardenburgh's Comp'y.

Charge. Leaving his Company at Brooklyn Encampment on or about the 26th of August, without leave. Pleaded "Guilty." The Court after mature deliberation sentenced the Prisoner to hard labor as some one of the Forts in the Harbor of New York during the remainder of his term of service, and stoppage of half his pay during the same period, and to be drummed along the line of his Regt. before the Execution of his sentence.

His Excellency, the Commandant of the District, confirms the foregoing decisions of the General Court Martial of which Lt. Col'l Dubois is President, except the following remissions & mitigations, which on account of the peculiar circumstances of the cases are deemed proper, viz: The sentence is remitted in the case of Simeon G. Dutcher of Curtiss's Company, James Gurney, Benjamin Gurney & Francis Gurney of Haight's John Banninger of Martin's, Simeon De Witt of Hardenburgh's, Samuel McCoughtry & Peter Wager of Rodgers', Jacob Springsteel, Lewis Angwine & Peter Bratt of Capt'n Ackerman's Company. And the sentence is also remitted, except stoppage of half pay, in the case of David Smith of Capt'n Cherritree's Company, Isaac Houghtailing of Capt'n Baker's and Joseph Stewart of Capt'n Ackerman's Comp'y.

The General Court Martial of which Lt. Col'l Dubois is President is hereby dissolved.

Colonel John R. Fenwick having resumed the duties of Adj't. General in the 3d Military District, all reports in future connected with that department will be made to him.

By order:
(Signed)

Thos. Chrystie, Asst. Adj't. Genl.

INSTRUCTIONS RELATIVE TO UNITED STATES PROPERTY.

Adj't. Gen'l's Office, 3d M. Dist.,

G. O.:

New York, 5th Nov'r, 1814.

The proceedings of the General Court Martial convened in pursuance of Genl. Orders of the 19th September last in the case of Capt'n A. Sutphen of the 15th Inf'y is approved. Capt'n Sutphen is released from arrest and will immediately report himself to Lieut. Col'l Carr at Trenton, New Jersey.

The Review on Governor's, Bedlow's, & Ellis's Islands, intended this day by his Excellency the Command'r of the District, is postponed until further Orders.

The great calls recently for arms for the supply of the Militia in service renders it an important and indispensable (?) duty of the Commr'g Officers of Corps to pay the strictest attention to the care of those delivered to their commands.

In pursuance of instructions from the War Department, His Excellency the Commander in Chief of the District, Orders that all arms & accoutrements issued by the United States to the Militia, on their discharge from service, be delivered to the senior officer of the Ordnance department in this District, who will receive and receipt for the same, and have them safely deposited in the Arsenal, and will also cause to be collected all arms & accoutrements belonging to the United States which may be found within the District, that are out of repair, and will employ proper persons, either of the army or others, to put them in complete order.

The Quartermasters of Division, Brigades, and of seperate (?) Corps, are charged with the delivery of the arms to the senior officer of the Ordnance Department in this District. They will accompany their returns with a certificate of numbers, condi-

tion, deficiency, and stations of the Regiment they are delivered from.

All muskets and other military equipments delivered from the State Arsenal, or delivered by the State Commissary to Militia are to be taken care of and returned to him in the manner above-mentioned & the Comm'g officers of Militia and Division & Brigade & Regimental Quartermasters are strictly charged to be attentive to the care, preservation & return of all arms so delivered.

Commanding officers of Corps are held responsible for the strictest execution of this order as relates to the safe keeping & delivery of the arms held by the troops under their immediate command, and all losses or damages except such as may be sustained in action or by unavoidable accident, will be charged to their account, and paid for by them, or through them, by the men who received them.

It having been expedient to detail, or excuse from military duty, a number of individuals, belonging to the Militia in service, for the purpose of being employed in the U. S. service under the directions of the Engineer and Ordnance Departments—and Messrs. A. & N. Brown, Builders of the U. S. steam Frigate—such persons while so employed, and receiving Mechanics' wages, are not to receive the pay & rations of soldiers. And it shall be the duty of the Commandants of Companies to be particular in noting on the muster rolls, the Time each man has or may be absent for the above mentioned purpose, and all persons are ordered, immediately on Discharge from employment, of the above mentioned description, to report to the commandants of their Companies.

Capt'n Swartwout's company of Iron-Greys is attached to Brig'r Genl. Morton's Brigade of Artillery. The Artillery from Delaware (?) County with such officers as Brig'r Genl. Curtenius

shall assign to it, are detached from Lt. Col'l Colden's Regt. & annexed to Lt. Col'l Farrington's. Major Dibble's Battalion is detached from Genl. Morton's Brigade & annexed to Lt. Col'l Colden's Regt.

The command of the Garrison of Fort Gansevoort is transfered (?) to Brig'r Genl. Curtenius. A return of all public property therein deposited will be presented by the command officer to the Brigadier Genl.

His Excellency has transfered (?) Headquarters to Mrs. Kinsey's, No. 9 Broadway.

All applications for Furloughs from the Militia must be approved by the commandants of Regiments & be reported daily by the Majors of Brigade to the Adj't. Genl. of the District, by whom the Furlough will be signed. All demands for discharges from the Militia will be hereafter examined by the Insp'r Genl. & if correct be signed by him.

The Orderly hour is changed to 10 O'Clock A. M. when the Asst. Adj't. Genl. of Division, Brigade Majors, or Aid De Camps & Adjutants of separate (?) Posts— & other officers authorized to receive Orders will be punctual in their attendance at the Adj't. Gen'l's Office of the District.

The Paroles & Countersigns for the week will be received from the Adj't. Gen'l's Office every Monday morning at Orderly hour.

By order:

(Signed) John R. Fenwick, Adj't. Genl., 3d M. D.

A NUMBER OF PRISONERS PARDONED.

Adj't. Genl. Office, 3d M. D.,

G. O.:

New York, 8th Nov'r, 1814.

A General Court Martial will sit at New Utrecht at 10 O'Clock A. M., on Thursday the 10th inst. for the Trial of Lieut. Wm. Ham-

mil of the 41st Inf'y, & such other prisoners as may be brought before it. Lt. Col'l Livingston of the 41st Inf't'y will be President & the Major of Brigade will detail the members & an Orderly to attend the Court. Henry Wheaton Esq'r, Judge Advocate.

Capt'n Acker of the Cavalry is relieved from the Genl. Court Martial of which Brig'r Genl. Steddiford is President & Lt. Col'l Van Beuren detailed as a member in his stead. Capt'n Acker will report to Lt. Col'l Warner.

His Excellency the Commandant of the District grants, to the following Prisoners of Brig'r Genl. Haight's Brigade, under sentence of a Genl. Court Martial, a full Pardon, & orders that they be released & return to duty.

Isaac Conklin	Giles Peckham
Josiah Clark	Elijah Brown
Richard Knight	Henry Lawrence
John Herald	Thomas Y. Young
George Devol	Andrew Luther
Smith Lawrence	Benoni Leroy
Wolcott Soper	Minot Ripley
Henry Galertie	John D. Houghtaling
John Cross	Joseph Washburn
Cornelius Schermerhorn	Abraham N. Lewis
Joseph Wood	Thomas Keaton
William Herald	Lawrence Knickerbocker
John Simmons	Walter Woolsey
Isaac Jones	James Meachem
Job Reynolds	Smith S. Southerland
Wm. Munger	Daniel Parks
Zacheriah Harden	Jeremiah Luther

By order:

(Signed)

John R. Fenwick, Adjt. Genl. 3d M. D.

Adj't. of Insp'r Gen'l's Office,

G. O.:

Washington, 5th Nov'r, 1814.

First Lieut. Daniel Saint, of the 42d Regt. has been reinstated in his former rank in said Regt.

By Order:

(signed)

Jno. R. Bell, Insp'r Genl.

THE GOVERNOR ORDERS A NUMBER OF BRIGADE REVIEWS.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 9th Nov'r, 1814.

Wm. Todd, Caleb Fitch & John Brooks of Capt'n Dunscomb's company, Mapes' Brigade, are detailed to work on the Fortifications at Hurl Gate under the direction of Major Wooster.

Henry Mott, Benjamin Verbryck & George Van Bueren of Capt'n Drake's Company, Genl. Steddiford's Brigade, are detailed to work on the Fortification at Haerlaem under the direction of the Committee of Defence.

The above men while employed as aforesaid will not be entitled to the pay & rations of soldiers in the U. S. service. As ordered in General Orders of the 5th Inst.

The Guard of His Excellency the Commandant of the District will be increased by a detail of 6 Men from the 41st Regt. & ordered to the West Battery.

Henry H. Tiebout of Capt'n Whittemore's Company, 82d Regt., 3d Brigade, and J. Strycher Do.....are detailed to work on the public works at Sandy Hook under the direction of Genl. Swift.

Col'l Sol'n Van Renssalaer, Lieut. Col'ls Anth'y Lamb, Rob't Macomb, Jno. B. Yates & Wash'n Irving, are acting as Aids-de-Camp to His Excellency the Commander of the District; they will accordingly be respected & obeyed as such.

His Excellency will review Brig'r General Curtenius' Brigade at 11 O'Clock to-morrow.

Brig'r Genl. Morton's Brigade at 1 O'Clock P. M.

That part of the General Order of the 3d Inst. for Genl. Curtenius' Brigade to furnish a Guard & fatigue at McGowan's Pass, is ordered to be carried into effect on Friday next the 11th. The Detachment to parade at Reveillee & march as soon after as possible.

Stephen White of Capt'n Smith's Company, Genl. Steddiford's Brigade, is detailed to work on the Publick (?) Works under the direction of Col'l Platt of the State Ordnance Department.

John Varmiller of Capt'n Debois's Comp'y, Ward's Regt.

Deliverance Hopkins	"	"	"	"	"
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Gilbert Doughty	"	"	"	"	"
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Wm. Green	"	"	"	"	"
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Wm. Van Vart	"	Dykeman's	"	"	"
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Abraham Demorest	"	Weed's	"	"	"
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Martin Parsels	"	Inglehart's	"	Laight's	"
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The above named beginning with John Varmiller are detailed to work on the Public Works at Sandy Hook under the orders of Brig'r Genl. Swift.

By order:

(signed)

John R. Fenwick, Adj. Genl.

Adj. Genl. Office, 3d M. D.,

G. O.:

New York, Nov'r 10th, 1814.

His Excellency will review Brig'r Genl. Hermance's & Brig'r Genl. Van Orden's Brigades at 12 O'Clock to-morrow at Harleam Heights.

Major Wooster's Sea Fencibles will be reviewed at 2 O'Clock P: M. the same day at or near Fort Stevens.

That part of the Genl. Order of the 3d Inst. ordering Lieut. Barnard to report to the Commanding Officer at Green Bush is countermanded. Lieut. Barnard at the expiration of his furlough will report himself to Capt'n Johnson, or senior officer superintending the recruiting service in this District.

James Brown of Capt'n Livingston's Company, Genl. Steedford's Brigade, is detailed for Public work for the U. S. Steam Frigate Fulton the 1st.

By order:

(signed) John R. Fenwick, Adjt. Genl.
Adjt. Genl's Office, 3d M. D.,

G. O.: New York, 11th Nov'r, 1814.

His Excellency will review Brig'r Genl. Haight's Brigade at 10 O'Clock, Brig'r Genl. Johnson's at 12 o'clock, and Capt'n Ingersoll's Company of Sea Fencibles at Rockaway at 3 o'clock tomorrow & on the 13th Inst. at 1-2 past 12 o'clock Brig'r Genl. Boyd's Brigade & Sea Fencibles attached to his command, & at 3 o'clock on the same day, Capt'n Hanham's Detachment at Fort Richmond.

(signed) John R. Fenwick, Adjt. Genl.

TROOPS FOR THE FORT AT SANDY HOOK.

Adjt. Genl's Office, 3d M. D.,

G. O.: New York, Nov'r 12th, 1814.

27th Regt. will proceed on Tuesday next to Sandy Hook with Capt'ns Robinson's & Burrow's Comp'ys of Sea Fencibles to relieve the Jersey Militia, except such companies as Genl. Colfax may think proper to leave. When relieved this Militia will repair to Pawles Hook, which will be its station until further Orders.

The Contractor will immediately have deposited at the Hook,

Rations for One thousand men for one month. The Inspector General will cause this provision to be inspected.

The Quartermaster's Department will furnish Transportation to & from the Hook for the Troops.

James Ridgeway of Capt'nComp'y, Col'l.....
Regt. is detailed to work on the Public Works at Hurl Gate under the orders of Brig'r Genl. Swift.

A General Court Martial to consist of five members, Officers of Brig'r Genl. Swartwout's Brigade, will sit on Monday next the 14th at the Quarantine Ground. Major Many President. The other Members, & an Officer to act as Judge Advocate will be detailed by the Brigade Major.

By order:

(signed) Thos. Chrystie, Asst. Adjt. Genl.

DR. BYRNE ORDERED TO PLATTSBURG.

Adjt. & Insp'r Genl's Office,

G. O.: Washington, Nov'r 9th, 1814.

Doctor R. M. Byrne, Surgeon of the 27th Regt. is transfered (?) to the 30th Regt. of Infantry, and will repair as soon as practicable to Plattsburg, N. Y., report to the Commanding Officer & join his Regim't.

By order:

(signed) Jno. R. Bell, Insp'r Genl.

WORKMEN DETAILED FOR THE FORTIFICATIONS.

Adjt. Genl's Office, 3d M. D.,

New York, 14th Nov'r, 1814.

G. O.:

The Contractor will have deposited one Month's Rations in advance at the Block House, Decatur on Long Island. Evert A. Banker, Esq'r, Judge Advocate, will attend the Court now in Session at New Utrecht, in lieu of H. Wheaton Esq'r.

Nathaniel Finch, Capt'n Bakewell's Comp'y, Gen'l Morton's Brigade.

Charles Cotton	"	Smith's	"	Steddiford's	"
Arthur McCartor	"	"	"	"	"
James Aunet	"	"	"	"	"
James Sprauls	"	Ring's	"	Mapes	"
Matthew Huston	"	Smith's	"	Steddiford's	"
Wm. Mac Combs	"	McClure's	"	"	"
Robt. Lattimer	"	Smith's	"	"	"

The above named are detailed to work on the Fortifications at Harlaem under the orders of Brig'r Genl. Swift.

Johnson Conkling, Capt'n ——— Comp'y, Genl. Steddiford's Brigade.

Egbert Post	"	"	"	"
Stephep Terhune	"	"	"	"
Abraham Hammond	"	"	"	"
Samuel Lockwood	"	"	Mapes'	"
Grisham Hart	"	"	"	"
Aaron Ross	"	"	"	"
Jesse Van Creef	"	"	"	"
John Trinchard	"	"	"	"
Josiah Jennings	"	"	Steddiford's	"
Coles Deveau	"	"	"	"
Jer'y Johnson	"	"	"	"
James Dunning	"	"	"	"
Wm. Hendricks	"	"	Morton's	"

The above named, beginning with Johnson Conkling, are detailed to work under the directions of Capt'n Tyler of the U. S. Ordnance Department.

By order:

(Signed)

John R. Fenwick, Adj't. Genl.

MILITIA MAINTAINED AT SAG HARBOR.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 15th Nov'r, 1814.

The 8th section of an Act passed the 18th April, 1814, Grants the President power to retain in service the Militia from three to six months. The urgency of the service requires that the Companies at Sagg Harbour should continue to do duty at that Post for three months longer, or until arrangements can be made for their relief.

Joseph Curtis & Benjamin Seaman of Brig'r Genl. Johnson's Brigade are transfered (?) to Capt'n Willet Mott's comp'y of Light Artillery.

By Order:

(signed)

John R. Fenwick, Adj't. Genl., 3d M. D.

SANDY HOOK PLACED UNDER THE COMMAND OF GENERAL SWARTWOUT.

Adj't. Gen's Office, 3d M. D.,

G. O.:

New York, 16th Nov'r, 1814.

The City Militia are excused from all but Morning Drills until Friday. The Troops & works at Sandy Hook are to constitute a part of Genl. Swartwout's Command. It is essential for the safety of the City of New York that the Militia be continued in service some time longer; they will be discharged so soon as the season gives cause to apprehend no further danger; until then it is hoped the zeal & ardor they have exhibited for the Defence of this City will not be abated.

Michael Morris, Capt'n Drake's Comp'y, Genl. Brigade

John Ross " " " " "

Isaac Martin " Dykeman's " " "

Ephraim Woodruff " Russell's " " "

The above named are detailed to work at Fort Greene, under the directions of the Committee of Defence. Sam'l P. Wellins, Capt'n Weed's Comp'y, Gen'l Brigade, is detailed for the purpose of inspecting provisions under the direction of the Navy Agent.

Thomas Green, a prisoner on Governor's Island, will be sent to New Utrecht to-morrow morning, under a Guard, and deliver'd to the Provost at that Post.

By Order:

(signed) John R. Fenwick, Adj't. Genl., 3d M. D.

TROOPS PREPARING TO GO INTO WINTER QUARTERS.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 17th Nov'r, 1814.

The Court of which Col'l Laight is President, will proceed to the trial of Lt. Wm. Cranston of Captain Robinson's Company

Sea Fencibles. A Company of Artillery will be detailed from Genl. Stevens' division to relieve the Sea Fencibles in Fort Greene. Receipts will be given to Capt'n Robinson for all the Public property now in his charge. Genl. Boyd's Brigade will go into Winter Quarters; the 41st & 32d Regiments will occupy the Barracks in Fort Greene & in the Rope walks fitting up for Haight's Brigade; the 42d Regt. to occupy the Barracks at New Utrecht; Genl. Boyd's Headquarters to be in or near Brooklyn and will command all the troops from the East River to New Utrecht, including the Garrisons at the Narrows, Long Island.

The movement of the Regular Troops will take place on Tuesday, 22d Inst.; that of the Militia tomorrow. The Barracks Master will prepare the Barracks for the reception of the troops; a detail will be made from each Regt. to assist him.

Obid Thayer, James Emmett, of Capt'n Smith's Comp'y, Steddiford's Brigade, & Zera Parmeler of Capt'n Perlee's Comp'y, Her-
 man's Brigade, are detailed to work on the Block House near
 Manhattan Ville under the orders of Brig'r Genl. Swift.

By Order:

(Signed) John R. Fenwick, Adj't. Genl., 3d M. D.

ROUTINE ORDERS.

Adj't. Genl's Office, 3d M. D.,

New York, 18th Nov'r, 1814.

G. O.:

James Kinsey of Capt'n Cratterton's Comp'y, Col. Laight's Regt., is detailed to work at the Arsenal under the orders of the New York State Commissary.

Major Wooster is directed to discharge from his Battalion (?) of Sea Fencibles, such privates as the public service shall require.

Lieut. Henry H. Macomb of Lt. Col'l Dodge's Regt. of Militia is detailed to attend on Major General Macomb of the U. S. Army until further orders.

Samuel R. Betts, Esq'r, Division Judge Advocate, will relieve Hugh Maxwell officiating at the General Court Martial whereof General Steddiford is President.

Charles Balmount, Capt'n Russel's Company of Sea Fencibles is detailed for the purpose of baking Bread for the troops at Powel's (Paulus) Hook under the orders of Charles Bruce, principal Baker.

James Sysk, Captain Lockwood's Company, General ———— Brigade, is

detailed for the purpose of Butchering for the Navy, under the orders of Mr. Gilman, principal Butcher.

Lieut. Daniel Sackett, of the 41st Regiment U. S. Infantry is detailed to assist Captain Tyler at the U. S. Laboratory, New York, until further orders.

By Order:

(Signed) John R. Fenwick, Adj. Genl., 3d M. D.

RULES GOVERNING THE SUPPLY OF PROVISIONS.

Adj. Genl's Office, 3d M. D.,

G. O.:

New York, Nov'r 19th, 1814.

To prevent any further complaint on the part of the troops against the Contractor, and that there may be a perfect understanding of the course to be pursued for an immediate supply of provisions in case of condemnation of any part or deficiency of supply, the following Rules will govern:

1st. A Certificate of the General or Officer commanding that an Inspection was ordered in due Form, agreeable (?) to the 4th section of the Contract.

2nd. The Report of the Decision of the Inspectors.

3d. A Certificate of the General or Commanding Officer ordering the Inspection, that the Deficiency arising from the condemnation or otherwise was not supplied by the Contractor & that the Quartermaster was directed to supply it, and that the Articles so supplied were no more than the Deficiency.

4th. A Certificate of the Quartermaster that pursuant to his authority he did contract with to supply the said deficiency, and that his account is just and true according to the said contract, which account being certified by the Commanding Officer of the Brigade or Regiment, the account will be discharged by the Quartermaster General and the amount transmitted to the account of the War Department.

By order:

(signed) John R. Fenwick, Adj. Genl., 3d M. D.

CAPTAIN DOLE IS COMPLIMENTED AND HIS TROOPS ARE DISCHARGED.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 21st Nov'r, 1814.

Capt'n Dole's Company of Riflemen attached to Genl. Boyd's Brigade will be immediately mustered & paid so that they may be discharged by Genl. Boyd on — Inst. The Genl. is directed to present to the Corps suitable acknowledgements (?) for their patriotic and faithful services. Capt'n Dole will cause all the articles of public property which have been issued for the use of his company to be returned to the Commissary of the State of New York, at the Arsenal in this City.

The Inspector Genl. will cause the following Militia Corps in service in this District, to be immediately mustered & Inspected for pay: Hermance, Haight, Van Orden & Colfax Brigades, including the New Jersey troops at the Hook, New Brunswick & New Ark; Genl. Johnson, Genl. Curtenius, Genl. Swartwout's Brigades & Genl. Stevens' Division and the New York Hussars. The pay master will cause thes (?) troops to be paid without a moment's delay & will report to Headquarters as each Corps shall be paid to the end that discharge may be granted by Genl. Orders. If practicable, the whole will be relieved by the second of December, in the order above mentioned.

The Officers who have received public property of any description from the U. S. or State Depots will be held responsible for every article which is not returned or accounted for pursuant to the Laws & Regulations upon that subject.

Lt. G. Cooper of Col'l Blauvelt's Regt. of Militia having absented himself without leave is dismissed the service. ,

Lt. Col'l Warner's Cavalry will be mustered & paid off except

a sufficient number for Videttes which will (?) retained; the Corps will be discharged.

By order:

(signed) John R. Fenwick, Adj. Genl., 3d M. D.

REGARRISONING THE WORKS ON HARLEM HEIGHTS.

Adj. Genl's Office, 3d M. D.,

G. O.: New York, 22d Nov'r, 1814.

The Men of Genl. Curtenius' Brigade now on duty at the works on Harlaem Heights will join their Regiments. The Tents & public property in their charge will be taken possession of & receipts given by the Quartermaster of Genl. Van Orden's Brigade. A Detail will be made from his Brigade of 100 men & from the Brigade commanded by Lieut. Col'l Belknap of 150 men to garrison the Forts & protect the works on that line of Defence.

By order:

(signed) John R. Fenwick, Adj. Genl.

A GENERAL PARADE ORDERED FOR EVACUATION DAY.

Adj. Genl's Office, 3d M. D.,

G. O.: New York, 23d Nov'r, 1814.

There will be a general parade on Friday next, the 25th Inst. in the City of New York, of Genl. Stevens' Division, Genl. Curtenius' Brigade, the New York Hussars & such detachments from Genl. Boyd's command, from the Islands in the Harbor and from Genl. Colfax's, Genl. Van Orden's, Lt. Col'l Belknap's Brigade, & from Col'l Warner's Cavalry as can be conveniently spared & transported. The troops on Long Island, at Powels Hook & on the

Islands of the Harbor to be prepared to cross at 8 o'clock in the morning. The Brigade Majors will call at Headquarters to-morrow at orderly hour to receive instructions respecting the ground they are to occupy & those of the Brigades from which detailments only will be furnished will at the same hour report the strength of the detailments to be ordered out. The D'y Quartermaster General will provide transportation for the Infantry & Artillery of Governor's & Bedlow's & of New Utrecht. Genl. Officers Commandants of Brigades not in command on that day, are invited to join with their staff the Commanding Officer of the District, at Headquarters at 10 O'clock in the forenoon. The Adjutant General of the District, Col'l Fenwick, will be the Officer of the day and may call to his assistance such other officers as he may think proper.

All the Hospital Stores & Public property in possession of Surgeons of the Brigades & Corps of the Militia will be delivered to Dr. Ackerly or such persons as he may direct to receive them; Receipts in due form will be given to the Militia Surgeons.

The Inspector Genl. will cause the Provisions now in Depot at Governor's Island to be Inspected & will report to the Commander in Chief.

By Order:

(signed) John R. Fenwick, Adj. Genl.

Orders: The House now occupied by the Sutler in Fort Greene will be appropriated to Dr. Nielson as a Hospital for the sick of the Garrison.

An increase of 1 Corporal & 7 Privates will be attached to the Genls. Guard, they will be furnished by the 41st Infantry.

Anthony Waldron, Maxwell's Comp'y, Col'l Dodge's Reg't.

Jacob Thorne Jun'r Seixas, " " Van Hook's "

Daniel Ireland Stevens' " " " "

The above named are detailed to work at Sandy Hook, under the orders of Brigadier General Swift.

By Order:

(signed) John R. Fenwick, Adj't. Genl., 3d M. D.

COMPOSITION OF THE WILKINSON COURT MARTIAL.

Adj't. & Inspector Genl's Office,

G. O.: Washington, 18th Nov'r, 1814.

A General Court Martial for the Trial of Major General James Wilkinson, will assemble at some suitable place at the Village of Utica, State of New York, on the 3d of January next.

The Court will be composed as follows:

Major Genl. Henry Dearborn, President.

Members.

Major Genl. M. Lewis

Brig'r Genl. J. Bloomfield

" " D. Bissell

Col'l J. Simonds, 6 Inf.

" P. P. Schuyler's, 13 Inf.

" Robt. Purdy, 4 "

Major Genl. George Izard

Brigadier Genl. J. P. Boyd

" " E. W. Ripley

Col'l J. Kingsbury, 1st Inf'y

" James Burn, L. D.

" D. Brearly, 15 Inf'y.

Supernumeraries.

Col'l Denny McCobb, 45 Inf't'y.

“ George Mc. Feely, 25 “

Lt. Col'l W. S.. Talmage, 46 “

E. A. Bancker, Army Judge Advocate.

By order of the Secretary of War:

(signed) Jno. R. Bell, Insp'r Genl.

EVACUATION DAY CEREMONIES.

THE FORMATION AND PARADE—THE COMMANDER-IN-CHIEF FAVORED BY
A MARCHING SALUTE.

Adj't. Genl. Office, 3d M. D.,

G. O.:

New York, 24th Nov'r, 1814.

A Federal salute will be fired Tomorrow noon from the Battery, under the direction of Brig'r Genl. Morton, also one from Governor's Island. The line will be formed tomorrow precisely at 11 O'clock. The Right will rest on Sugarloaf Street & will extend to the U. S. Arsenal; the order of formation will be two deep; Genl. Boyd's Brigade on the right, on its left Genl. Stevens' Division, on the left of the whole the Volunteer uniform Companies from Haight's, Johnson's & Colfax's Brigades, which will be formed into one Corps & to be commanded by Genl. Colfax. Genl. Curtenius's Brigade forms the centre of the line. The Governor's Guards will attend him. The (ordnance officer) will issue 4 Rounds of Blank Musket Cartridges to the Brig'e Quartermaster who will deliver them to Regimental Quartermasters for issue to the Capt'ns of Companies.

The line of March will be through Pearl to Wall Street, through Wall, Broad & Beaver Streets & Broadway to the Park, from the West Gate to the East, in front of the City Hall, where a marching salute will be received, and upon leaving the East Gate of

the Park, each Corps will retire to its own Post in the most silent and orderly manner.

The Company of Artillery in Garrison at Fort Green will join its Battallion. (?) The public stores & ordnance in charge of the Company will be delivered over to an officer appointed by Genl. Boyd, & Receipts (?) in due form given to Lieut. Raymond.

Lt. Jones of Regt. is released from arrest & will return to duty with his Regiment.

Richard Gidney, David Scudder, & John Moore of Capt'n Craterton's Company, Steddiford's Brigade, are detailed to work on the public works at Fort Diamond & New Utrecht under the orders of the D'y Quartermaster General.

The Regiments will be told off in Platoons of 12 Files. The Signal for breaking into Column will be one Gun from the Centre. Another Gun from the centre will be the signal for the Column to move.

Major Chrystie, Asst. Adj't. Genl.

Major Spencer, Asst. Insp'r Genl. & Lt. Cold'n Cooper, will communicate the orders to the Column from the Adj't. General & Officer of the Day.

The Commander in Chief will transfer his Headquarters tomorrow to the Hall, where he will receive those officers who may be desirous of paying their Respects to him after the Review.

By order:

(signed) John R. Fenwick, Adj't. Genl., 3d M. D.

MUSTERING OUT THE MILITIA.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 26th Nov'r, 1814.

Capt'n Ten Eyck's Company, also that commanded by Lt. Ten Eycks of Genl. Colfax's Brigade will be mustered, paid & dis-

charged on the 1st of Dec'r next. Thos. Hawkins, 27th Inf'y, Wm. Harris, 14 Inf'y, & Joseph Box, 41 Inf'y, will be employed by Dr. Sackett as attendants at the Military Hospital at Greenwich. The Nurses will be discharged. The arms & accoutrements of the several Brigades of Militia will be delivered by the Division and Brigade Quartermasters into the Arsenal of the State & proper vouchers given for the same; a consolidated return certified by the Col's of Regts. countersigned by the Brig'r Genls. will be handed in to the Adj't. Genl.; the men will then be paid off & the Generals are directed to discharge them by companies.

The Members of the General Court Martial of which Brig'r Genl. Gerard Steddiford is President & S. R. Betts Judge Advocate, instituted for the Trial of the Delinquents of the New York State Detached Militia, are retained in service & will continue to sit until further orders.

In pursuance of orders from the War Department, A General Court Martial, to consist of Nine Members will convene on Governor's Island in the Harbor of New York, on the 15th December next, for the Trial of Col'l Isaac Coles of the 12th Regt. Inf'y.

President.

Col. Robt. Bogardus, 41st Inf.

Members.

Lt. Col'l Jas House, Corps of Artill'y

“ “ Jas. G. Forbes, 42d Inf.

“ “ E. L. Whitlock, 14th “

Major D. Noon, 41st Inf.

Major J. Delafield, 46th Inf.

“ C. Crolius, 27th “

Capt'n H. H. Watson, Corps of Artillery.

“ J. Steele, Jun'r, 32d Inf.

Supernumeraries: Capt'n A. Sherman of the 41st & Capt'n D. Crawford of the 46th Inf.

By Order:

(signed) John R. Fenwick, Adj. Genl.

IN MEMORY OF VICE-PRESIDENT GERRY.

Adj. Genl's Office, 3d M. D.,

G. O.:

New York, 28th Nov'r, 1814.

As a Testimonial of Respect to the memory of the late venerable & patriotic Vice President Gerry, the Flags of the several Forts in the 3d Military District will be suspended half staff high from sunrise to sunset Tomorrow; & half hour guns will be fired under the direction of Lieut. Col'l House at Fort Columbus, during the Day.

The following men upon the favorable Recommendation of General Boyd, have their sentences remitted. They will be released and put on duty. Viz: Joseph Berry, John Drum, Wm. Folins, & Andrew Lokey.

The Brigade Majors will call at this office at $\frac{1}{2}$ past 4 O'clock P. M. of this day, to receive additional orders.

By Order:

(signed) John R. Fenwick, Adj. Genl., 3d M. D.

COMMENDATION FOR THE TROOPS.

After Orders.

The Militia both of New York & New Jersey now in service in this District are to be Discharged so soon as they can be regularly mustered & paid; excepting two companies of Artillery of Genl. Stevens' Division & a portion of Col'l Warner's Cavalry to act as Videttes. The Commander in Chief has enjoined it on the Adjutant General to communicate to the Troops of the District

the great satisfaction which he has received from their high state of discipline & general good conduct. In the various visits which he has paid to the Posts under his command he has found constant cause of Gratification in witnessing the zeal & Intelligence with which the public service was discharged; the appearance of the works on Governor's, Ellis's & Bedlow's Islands & at Fort Richmond & the equipments, order & conduct of the troops by which they are garrison'd reflect distinguished honor on Lt. Col'l House & the officers & soldiers of his command; during the parade of the 25th their appearance & conduct were equally commendable. Genl. Boyd's Brigade of Infantry, both at its review & on the Parade of the 25th acquitted itself in a manner highly creditable to the General & his subordinate officers & receives entire approbation.

The various Forts & Block-houses in the charge of the Sea Fencibles are kept in a high state of order, and the appearance & discipline of those troops both at the Guns & with Musketry reflects distinguished credit on the officers & the whole of the Corps.

The Commandant of the District cannot suffer the present Militia Force to be Disbanded without expressing in the most emphatic terms his deep sense of their meritorious conduct. The alacrity with which the Militia of New Jersey & New York stepped forth at the call of their Country, their patient & manly endurance of Hardships & Privations, strange & unexpected to them; their orderly deportment, implicit subordination & rapid Improvement are honorable to themselves & to the Nation. In noticing their late reviews & particularly their splendid parade of the 25th, the unqualified praises of the Commandant have already been anticipated by the voice of the whole community; while he thanks them on the behalf of the Government of the

Country, he must at the same time add his Individual & grateful acknowledgements (?) for their respectful attention, and soldier-like conduct while under his command, & his heartfelt wishes for their future prosperity. They will return to their homes follow'd by the applause & blessings of their Country & cheered by the pleasing consciousness of having done their duty, while the City of New York will ever cherish a lively Recollection of their services & a full assurance of its future safety whilst it has within its call such a Host of intelligent & intrepid Defenders.

By Command:

(signed) John R. Fenwick, Adj't Genl.

GENERAL ORDERS AND COURTS MARTIAL.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 29th Nov'r, 1814.

George Paul of Lt. Skaut's comp'y, Colonel Ward's Regt. will be arranged before the Court of which Col'l Laight is President, to be tried on a charge of desertion alledged (?) against him.

Dr. Ackerly will appoint Dr. Ross, or some other person from the Medical Department to take charge of & give receipts for all Hospital Stores that have been issued to the Surgeons of the Militia.

Captain Hanham of the Artillery is detailed & assigned as principal Inspector & Conductor of Ordnance & Military Stores in the 3d M. D., and will be obey'd & respected accordingly, until further orders. He will occupy Fort Gansevoort. A Sergeant, Corporal, & 12 Men are detailed from his Company as a Guard for said Fort.

By Order:

(signed)

John R. Fenwick, Adj't. Genl., 3d M. D.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 30th Nov'r, 1814.

The troops of Genl. Stevens' Division who have been doing duty in the City, will receive the wood they are entitled to for the month of November.

The troops at Harlem will be immediately relieved by a company of Artillery from Genl. Stevens's Division, & Receipts given for all public property to the officers in whose charge it now is; the preservation & protection of which & the works, is specially entrusted to the Artillery.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 1st Decemb'r, 1814.

Lt. Col'l Laight, President of a Court Martial convened by a General Orders of 22d October, is excused from that duty, as also is Capt'n Drake.

The Court Martial will be thus organized for the Trial of Dr. Gamage of Col'l Laight's Regt.

President.

Major Daniel D. Smith.

Members.

Major Purdy, Steddiford's Brigade	Capt'n Patterson, Mapes' Brigade.
" Thorne, Mapes' "	" R. I. Watts, Steddiford's "
Capt'n Rockwell, Morton's "	Lieut. H. W. Nicholl, Mapes' "

Supernumerary: Lieut. D. M. Hoffman, Steddiford's Brigade; P. E. Van Wyck, Esq'r, Judge Advocate.

The Generals or officers commanding Brigades will immediately make a return of all Delinquents who did not duly repair to the rendezvous prescribed for the several Corps; this return to be made to Genl. Steddiford, President of the Court instituted for their Trial.

Mr. Maxwell is continued in service for the purpose of officiating at such Court as Judge Advocate, with Mr. Betts.

The Court of which Col'l Post is President is dissolved.

A Sergeant, Corporal, & 12 Men will be immediately detailed from the Artillery on Governor's Island to relieve the Militia in Fort Gansevoort. Col'l House will send an officer to receive all the public property at that Post.

The Contractor will issue at Fort Greene. A House as near the Post as possible will be furnished him for a Depot.

(signed)

John R. Fenwick, Adjt. Genl.

Adjt. Genl's Office, 3d M. D.,

G. O.:

New York, 2d Dec'r, 1814.

The General Court Martial of which Major Barnabas Many, of Genl. Swartwout's Brigade is President, is dissolved.

The Detachment of Capt'n Hanham's Comp'y detailed to garrison Fort Gansevoort, by the General Order of the 29th Ulti'o will relieve the Artillery from Governor's Island, which will join its Company.

Henry Wheaton Esq'r, Judge Advocate will attend the General Court Martial ordered to sit on Governor's Island on the 18th Inst. for the trial of Col'l Coles.

The Contractor will continue to issue Provisions for one Company at Harlaem Heights.

By Order:

(signed)

John R. Fenwick, Adjt. Genl., 3d M. D.

A NUMBER OF COURTS MARTIAL.

Adjt. Genl's Office, 3d M. D.,

G. O.:

New York, 5th Nov'r, 1814.

At a General Court Martial which convened at Tammany Hall, Nov'r 1st, 1814, of which Col'l Laight is President the following cases were tried. Viz:

Joseph Bull, fifer, Menard Cole, private, & Luke Schermerhorn, private of Capt'n Carson's comp'y.

Charge. Desertion. Specification. Joseph Bull & Menard Cole absenting themselves from the comp'y on the 28th Sept'r & returned voluntarily on the 11th Oct'r, 1814. Specification. Luke Schermerhorn; 1st, for absenting himself from the comp'y on the 28th Sept'r & returned voluntarily on the 15th Oct'r, 1814. Prisoners pleaded "Guilty" of absenting themselves from their respective companies without leave.

James Baker, private in Capt'n Gregory's Comp'y; Joseph A. Clarke, corporal in Capt'n Sawyer's Comp'y; Daniel W. Clarke & Ichabod P. Witman, privates in Capt'n Sawyer's Comp'y; Samuel Davis, private, late of Capt'n Boughton's, transferred (?) to Capt'n Packer's Comp'y, and Samuel Williams, corporal of Col'l Farrington's Regt. of N. Y. D. M.

Charge. Desertion. Specif'n. For deserting from their several Companies in Lt. Col'l Farrington's Regt. in the service of the U. States, Nov'r 1st, 1814. The above Prisoners except Samuel Williams, pleaded "Guilty." Samuel Williams pleaded "Not Guilty" of Desertion, and alledges (?) that he went away by permission of the Doctor. John Dingy, private in Capt'n Anders' Company.

Charge. Desertion. Specif'n. That he left his company at Brooklyn about the 1st Oct'r without leave, and returned this morning. Pleaded "Guilty."

The Court after mature deliberation find the above named Joseph Bull, Menard Cole, & Luke Schermerhorn of Colden's Regt., James Baker, Daniel W. Clarke, Joseph A. Clarke, Ichabod P. Whitman, Samuel Davis, Samuel Williams & John Dingy of Col'l Farrington's Regt. Guilty of absenting themselves from their respective companies without leave, & the Court pronounce the following Sentence. Viz: In the cases of Joseph Bull & Menard Cole a forfeiture of their pay from the time of their being mustered until the time of their returning to their companies the 11th Oct'r last. In the case of Luke Schermerhorn, a like forfeiture of pay until the 15th of Oct'r last. In the cases of James Baker, Joseph A. Clarke, Daniel W. Clarke & Ichabod P. Whitman, a forfeiture of half a months' pay each & a week's labor respectively, & that Joseph A. Clarke be ordered to serve in the ranks as a Private. In the case of Samuel Davis, a forfeiture of his pay from the time of his return being the 31st Oct'r last. In the case of Samuel Williams a forfeiture of his pay for one half of a month, & in the case of John Dingy a forfeiture of his pay from the time of his being mustered until the time of his return being the 31st Oct'r last.

His Excellency the Commandant of the District confirms the foregoing Decisions of the General Court Martial of [which] Lt. Col'l Laight is President, & orders that they be carried into immediate effect.

By Order:

(signed)

John R. Fenwick, Adj't. Genl., 3d M. D.

G. O.:

Adj't. Genl's Office, 3d M. D.,

At a General Court Martial which convened on Governor's Island in pursuance of General Orders of the 6th & 19th Oct'r, & of which Lt. Col'l Talmadge is President, the following cases were tried, Viz:

Francis F. Wheeler, Lieut. in the 27th Regt. U. S. Inf'y.

Charge. Unofficer & ungentlemanlike conduct.

Specif'n 1st. On the 1st day of Oct'r, 1814, at the Recruiting Rendezvous of Lieut. Thomas Darling in the City of New York, while in the act of drinking a glass of Brandy & water, expressing himself as follows: "May no officer of the 46th Regt. U. S. Inf'y see salvation."

Specif'n 2nd. Appearing on the 1st day of Oct'r, 1814, on Governor's Island in a state of Intoxication.

Specif'n 3d. Appearing on the 6th day of Oct'r, 1814, at New Utrecht Encampment, commanding a Detachment of the 27th Regt. U. S. Inf'y in a state of Intoxication.

The accused pleaded "Not Guilty" to the charge, but admitted the facts detailed in the 1st specification.

The Court after mature deliberation, decided that the 1st, 2nd & 3d specifications are "proved" and doth thereupon pronounce the accused "Guilty" of the charge preferred (?); and adjudge and determine, that Francis F. Wheeler, Lieut. in the 27th Infantry, be Dismissed the Service.

Constantine Clifford, Lieut. in the 27th Regt. U. S. Infantry.

Charge. Unofficer & ungentlemanlike conduct.

Specification. Appearing on the 6th day of Oct'r, 1814, in the Cantonment at New Utrecht, Long Island, in a state of intoxication.

To which charge the accused pleaded "Not Guilty."

The Court after mature deliberation, decided that the testimony adduced was insufficient to sustain the charge, and accordingly pronounced the accused "Not

Guilty." It is therefore adjudged & determined that Constantine Clifford, Lieut. in the 27th Infantry be acquitted.

Nicholas G. Carmer, Lieut. in the 27th Regt. U. S. Infantry.

Charge. Unofficer & ungentlemanlike Conduct.

Specif'n 1st. Appearing on the 6th of Oct'r, 1814, in the Cantonment at New Utrecht, Long Island, in a state of Intoxication.

To which Charge the accused pleaded "Not Guilty."

The Court having duly weighted the testimony pronounced the accused "Guilty" of the charge preferred (?). It is therefore adjudged & determined that Lieut. Nicholas G. Carmer of the 27th Regiment be dismissed the Service.

Nicholas Fenner & Joseph Lott, privates in the 27th Regiment U. S. Infantry.

Charge & Specif'n. Deserting the service of the United States, by escaping from the Garrison of New Utrecht on the 14th Oct'r, 1814.

To which charge they respectively pleaded "Not Guilty."

The Court pronounced the prisoners respectively "Guilty" of the charge preferred, (?) It is therefore adjudged & determined that Nicholas Fenner & Joseph Lott pay the expenses arising from their respective desertion; and for six months be confined at hard labor, with a ball & chain to the leg; stoppage of whiskey & half their pay.

Thomas Groves, private in the 41st Regiment U. S. Infantry.

Charge & Specif'n. Deserting the service of the U. States by escaping from a Detachment of the 41st Regt. on the 22d of Oct'r, 1814.

To which charge the Prisoner pleaded "Guilty."

The Court confirmed the Plea of the Prisoner, and adjudged & determined that Thomas Groves pay the expence (?) of his apprehension & for three months be confined at hard labor with a ball & chain at his leg; stoppage of whiskey & half his pay.

Henry Morrison, private in Capt'n Barker's Company, 42d Infantry.

Charge & Specif'n. Being found asleep on his Post, between two & three o'clock in the morning of the 18th of October, 1814, while doing duty as Centinel (?) in the Camp near Fort Lewis, Long Island.

To which charge the prisoner pleaded "Guilty."

The Court confirmed the plea of the Prisoner, but in consideration of the youth of the Prisoner, feeling disposed to treat a first offense with lenity, adjudge & determine that Henry Morrison, suffer thirty days' solitary confinement & have half his pay stopped for two months.

Thomas Green, private in the 41st Regt. U. S. Infantry.

Charge & Specif'n 1st. Deserting the service of the United States, by escaping from Fort Lewis, Long Island, on the 22d September, 1814, while undergoing the punishment awarded him by a General Court Martial on account of a former Desertion.

Specif'n 2nd. After being apprehended, escaping a second time on the 22nd of October, 1814, from a vessel at the wharf in the Harbor of New York on board of which he was confined in irons.

To which the Prisoner pleaded "Guilty."

The Court confirmed the plea of the Prisoner, and finding him a hardened offender, whom the lenity of a former Court hath failed to influence, and whose propensity to crime no dread of punishment could restrain; Doth adjudge and determine that Thomas Green of the 41st Regt. of Infantry, be SHOT TO DEATH!

The foregoing sentences of the General Court Martial, of which Lieut. Col'l Talmadge is President, are approved of in the following Cases, and ordered to be carried into effect, viz: Francis T. Wheeler, Lieut. in the 27th Regt. U. S. Infantry; Constantine Clifford, Lieutenant in the 27th Regt. U. S. Infantry; Nicholas Fenner & Joseph Lott, Privates in the 27th Regt. U. S. Infantry; Thos. Groves, private in the 41st Regt. U. S. Infantry; Thos Green, private in the 41st Regt. U. S. Infantry.

The sentence of the General Court Martial on Henry Morrison is remitted on account of his youth. The sentence of the Court on Lt. Carmer is likewise remitted on ac-

count of the mitigating circumstances of Fatigue & want of Rest for two days previous to the occurrence; but more on account of his prior good conduct as established by Lt. Col. House & in the confident expectation that his Department in future will evince the propriety of the lenity exhibited to him on this occasion.

The Sentence of Death passed by the General Court Martial of which Lt. Col. Talmadge is President, upon Thomas Green, private in the 41st Regt. U. S. Infantry will be carried into execution on Friday the 18th Inst. between 12 o'clock at Noon and 2 o'clock P. M. at such place at New Utrecht as the Brigadier General commanding shall determine.

The General Court Martial of which Lt. Col. Talmadge was President is dissolved.

By Order:

(signed)

John R. Fenwick, Adjt. Genl.

Adjt. Genl's Office, 3d M. D.,

New York, 12th Nov'r, 1814.

G. O.:

At a General Court Martial which convened at the Encampment of Genl. Haight's Brigade, pursuant to General Orders of the 7th November, 1814, and of which Major Isaac Dubois was President, the following cases were tried, viz:

David Risder, private in Capt'n Coleman's Comp'y.

Charge. Deserting from his company at Waterford Rendezvous on or about the 11th of Sept'r, Brooklyn, Oct'r 25th, 1814. Pleaded "Guilty." The Court after mature deliberation do adjudge the Prisoner David Risder "Guilty" of the charge preferred against him and sentence him to be confined at hard labor for the term of five days, at such of the Fortifications in the vicinity of New York as the commanding General shall designate.

Cyrus Johnson, private in Capt'n Coleman's Comp'y.

Charge. Deserting from his company at the Rendezvous at Waterford on or about the 10th day of September last. Brooklyn, Oct'r 25th, 1814. Pleaded "Not Guilty." The Court after mature deliberation do adjudge the Prisoner Cyrus Johnson "Not Guilty" of the charge preferred (?) against him & do accordingly acquit him for the same.

Simeon Simmons, private in Capt'n Collemers (?) Comp'y.

Charge. Deserting from his Company at Waterford Rendezvous on or about the 10th of September last. Oct'r 25th, 1814. Pleaded "Not Guilty." The Court after mature deliberation do adjudge the Prisoner, Simeon Simmons "Guilty" of the charge, & sentence him to be confined at hard labor for ten days at such of the Fortifications in the vicinity of New York as the Commanding General shall designate, and do also sentence him to pay a fine of Thirty dollars and to be as aforesaid confined to hard labor until the same shall be paid, which fine when paid shall be applied towards the expence (?) of apprehending the Prisoner; and do also adjudge that the prisoner do duty with his company after the expiration of his said confinement, during their continuance in service.

John Potts, private in Capt'n Collemers Comp'y.

Charge. Deserting from the Encampment at Brooklyn on or about the 4th Oct'r Inst. Oct'r 25th, 1814. Pleaded "Guilty." The Court of (?) mature deliberation, adjudge the prisoner, John Potts, "Guilty" of the charge & sentenced him to undergo a stoppage of his monthly pay for the term of two Months.

Greenwood Soper, private in Capt'n Collemers Comp'y.

Charge. Deserting from his company at Brooklyn Encampment on or about the 17th day of Sept'r last. October 25th, 1814. Pleaded "Guilty." The Court after mature deliberation adjudged that the prisoner Greenwood Soper was "Guilty" of the charge & sentenced him to be confined at hard labor for ten days, at such of the Fortifications in the vicinity of New York as the Commanding General shall designate & to undergo the stoppage of one month's pay.

Barnabas Vail, private in Capt'n Collemers Comp'y.

Charge. Deserting from Waterford rendezvous on or about the 10th day of Sept'r last. Oct'r 25th, 1814. Pleaded "Guilty." The Court do adjudge the prisoner Barna-

bas Vail "Guilty" of the charge and do adjudge him to be confined at hard labor for ten days at such of the Fortifications in the vicinity of New York as the Commanding General shall designate & to undergo a stoppage of two Months' pay.

David Holliss, private in Capt'n Curtiss' Comp'y.

Charge. Not appearing since assigned to my Company. Pleaded "Not Guilty." The Court after mature deliberation do adjudge the Prisoner David Hollis "Guilty" of the charge and sentence him to pay a fine to the amount of two months' pay & to be confined at hard labor at such of the Fortifications as the commanding General shall designate, until the said fine shall be paid.

Simeon Le Roy, private in Capt'n Curtiss' Comp'y.

Charge. Deserting since assigned to my Comp'y. Pleaded "Not Guilty." The Court adjudged the Prisoner Simeon Le Roy "Not Guilty" of any Military offence, there being no direct proof that the prisoner was apprized (?) of the consolidation of his company with Capt'n Curtiss' command, although the inference that he had such notice appears highly probable from the circumstances. The Court conceive the charge in import, tantamount to Desertion, & they cannot hold that the Prisoner was bound at his peril to take notice of the transfer of Capt'n Badgeley's muster rolls; unless the knowledge of that fact is brought home to the prisoner by positive proof. Under these circumstances the Court acquit the prisoner of all criminality attached to the charge, but would submit to the Comm'g General that the prisoner be now held to perform duty with his company during the remainder of their service.

Jacob Gilefuss, private in Capt'n Van Gaasbeck's Comp'y.

Charge. Deserting from the Encampment at Brooklyn on or about the 5th of Sept'r last. Nov'r 1st, 1814. Pleaded "Guilty." The Court adjudged the Prisoner Jacob Gilefuss "Guilty" of the charge & sentence him to be confined to hard labor for twenty days either at Fort Swift or Lawrence, & that the Prisoner draw no pay for any service until after the expiration of the said twenty days.

Abraham Eggenor, private in Capt'n Conrad Van Gaasbeck's Comp'y.

Charge. Deserting from the Encampment at Brooklyn on or about the 5th Sept'r last past. Nov'r 1st, 1814. Pleaded "Guilty." The Court adjudged the Prisoner Abraham Eggenor "Guilty" of the charge, and sentence him to be confined at hard labor for ten days, either at Fort Swift or Lawrence, and stoppage of all pay until after the expiration of the said ten days.

His Excellency remits the foregoing sentences of the Court in the following cases, viz: David Risder, Greenwood Soper, Barnabas Vail and Abraham Eggenor, & in the case of Simeon Simmons remits the imprisonment upon the payment of the fine. In the case of John Potts, remits all but stoppage of half his pay. In the case of David Hollis, remits the confinement to hard labor. The same in the case of Jacob Gilefuss. The sentences in the cases of Cyrus Johnson & Simeon Le Roy are approved.

The Court, of which Major Dubois is President, is dissolved.

By Order:

(signed)

Thos. Chrystie, Asst. Adj. Genl.

Adj. Genl's Office, 3d M. D.,

G. O.:

New York, 16th Nov'r, 1814.

At a General Court Martial which convened at Harlaem Heights in pursuance of Genl. orders of the 3d Nov'r, 1814, and of which Lt. Col. John Brush is President, the following case was tried, viz:

Barzillai I. Ward, private soldier & substitute in Lt. Col. Isaac Belknap's Regiment.

Charge 1st. Deserting from the service of the United States.

Specif'n 1st. The said Barzillai I. Ward did on Saturday the twenty-ninth day of October last, without the permission or knowledge of any of the officers of said Regiment or Brigade, did leave and depart from the said Encampment at Harlaem Heights and did desert from the service of the U. States in violation of the rules & articles of War.

Specif'n 2d. The said Barzillai I. Ward, being apprehended, was on Saturday the twenty-ninth day of October last delivered into the custody of Lieut. James Sayer Jun'r, who was then the officer who commanded the Guard, and was by him committed to the Guard house, but the said Barzillai I. Ward did notwithstanding, make his escape from the said Guard house on the evening of Saturday the twenty-ninth day of October last, and deserted from the service of the United States, contrary to his duty, and in violation of the Rules and Articles of War.

Specif'n 3d. The said Barzillai I. Ward, being apprehended, was on Sunday the thirtieth day of October last, delivered into the custody of the officer who commanded the Guard, and was by him committed to the Guard house; but the () Barzillai I. Ward did nevertheless, effect his escape from the said Guard house on Monday the seventh day of November Instant, and deserted from the service of the United States, contrary to & in violation of the Rules & Articles of War.

Charge 2. Swindling.

Specif'n 1st. The said Barzillai I. Ward did on Friday the fourth day of November instant by means of cards, dice, or some other unwarrantable and illegal means, cheat and defraud one Alva Gregory of a pocket handkerchief, in violation of the Rules & Orders of the Camp.

Specif'n 2d. The said Barzillai I. Ward did on Monday the seventh day of November instant, by cards, dice, or some other unlawful & unwarrantable means, cheat and defraud some person whose name is unknown of about three dollars, in violation of the Rules and Orders of the Camp.

To all the above charges and specifications the said Prisoner pleaded "Not Guilty."

(The decision of the Court appears to be omitted.)

His Excellency the Commandant of the District approves only the following part of the sentence passed by the above court upon Barzillai I. Ward, viz: That he refund the two dollars and the pocket handkerchief or the value thereof to the persons whom he obtained them & to forfeit all the pay that may be due him. His Excellency further orders that the said Barzillai I. Ward be discharged from the Regiment to which he belongs, his uniform bad conduct being a disgrace to the service.

By Order:

(Signed.) John R. Fenwick, Adjt. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 17th Nov'r, 1814.

At a General Court Martial which convened at Tammany Hall, in pursuance of General Orders of the 22d October, 1814, and of which Lt. Col. Laight is President, the following cases were tried, viz:

Daniel Reynolds, John Schuneman, Peter Goetchius, John P. Overspauigh, John Black, James Pierson, Jun'r, Franklin Cook, Isaac Vradenburgh, and Jacob Amens, privates in Capt'n Adams' Comp'y.

Charge. That the said privates were guilty of disobedience of the lawful commands of their superior officers.

Specif'n. That the above named privates were on the mornings of the 8th day of November, 1814, at Camp Greenwich, ordered to do duty on the Piquet Guard, and absolutely and peremptorily (?) refused to do so, using at the same time language disrespectful to their officers. The Prisoners all plead "Guilty" of the disobedience of orders, but deny the disrespectful language.

Alfred Nichols, Nicholas Peck, & Samuel Bradt, privates in Capt'n Buttres' Comp'y, & Jeremiah Coon, private in Capt'n Moffat's comp'y.

Charge. Desertion from the camp at Greenwich on the 28th of Sept'r last, 1814. The prisoners all plead "Guilty" of having left the camp without leave, but that they have all voluntarily returned to their duty and alledged (?) as their excuse for going, Starvation & no money.

Sentence. In the case of Daniel Reynolds, John Schuneman, Peter Goetchius, John P. Overspauagh, John Black, James Pierson, Franklin Cooke, Isaac Vradenburgh & Jacob Amens, the Court find them all Guilty of disobedience of orders, and the said John Schuneman in addition thereto Guilty of disrespectful language, and sentence them all (the said John Schuneman excepted) to two weeks' fatigue duty, and the said John Schuneman to three weeks' fatigue duty on Governor's Island, or such other place as the Commander in Chief shall direct.

In the case of Alfred Nicholas, Nicholas Peck, Samuel Bradt, & Jeremiah Coon; the Court find them all Guilty of absenting themselves from camp without leave, and sentence them to a forfeiture of pay from the time of being mustered until the 1st day of November instant.

Lieut. John E. David in Capt'n Adams' comp'y, Lt. Col. Colden's Regiment.

Charge 1st. That the said John E. Davids on the 7th day of November, 1814, was guilty of conduct unbecoming an officer.

Specif'n. That the said John E. David, on the day aforesaid, at Fort Gansevoort, when certain privates belonging to the company of Capt'n Adams of Colden's Regiment were committed by the said Lt. Col. to the officer commanding the said Fort for disobedience of orders, the said John E. David did use language and expressions to encourage the said men so committed to persevere and to persist in their said disobedience of orders.

Charge 2d. That the said John E. David being such Lieutenant as aforesaid and being present at a certain mutiny and sedition of certain men and non commissioned officers belonging to the Company of Capt'n Adams of Lt. Col'l Colden's Regt, did not use his utmost endeavours to suppress the same, but on the contrary did by his conversation and expressions encourage the said men & non commissioned officers to persist in their mutinous and seditious conduct.

Specif'n. That a number of privates and non commissioned officers of Capt'n Adams' Company, Lt. Col. Colden's Regt. being committed to the custody of the officers commanding Fort Gansevoort, and being in the custody of the said officer for disobedience of orders and for mutinous and seditious conduct, the said John E. David on the day & year each aforesaid at Fort Gansevoort aforesaid did by various expressions used in the presence of the said privates and of sundry of the troops garrisoning the said Fort Gansevoort excite & encourage the said men & non commissioned officers to persevere in their disobedience of orders and seditious & mutinous conduct.

To the above charges & specifications the prisoner pleaded "Not Guilty." The Court after mature deliberation upon the above, find upon the 1st charge that Lt. David was "guilty" of making use of expressions at the Fort, calculated to encourage the said men so committed to persevere and persist in their disobedience of orders; But that it was not intended by Lieut. David that his language should have that effect. Upon the second charge coupled with the specif'c'n annexed to it, "Not Guilty," and upon a consideration of all the circumstances, and finding from the testimony that Lt. David was himself sensible of the impropriety of his conduct, the Court do not conceive it necessary to present any other punishment further than the communication of their opinion to him.

His Excellency, the commandant of the District approves the foregoing sentence of the Court in the cases of Daniel Reynolds, John Schuneman, Peter Goetchius, John P. Overspauagh, John Black, James Pierson Jun'r, Franklin Cook, Isaac Vradenburgh & Jacob Amens, & orders it to be carried into immediate effect at Harlaem Heights under the orders of the officer of the fatigue party commanding there. In the case of Alfred Nichols, Nicholas Peck, Samuel Bradt, & Jeremiah Coon, forfeiture of pay from the time of being mustered until the 1st day of Nov'r Inst.

And in the case of Lieut. John E. David, an approval of the communication of the opinion of the Court to him.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,

New York, 18th Nov'r, 1814.

G. O.:

At a General Court Martial which convened at New Utrecht in pursuance of General Orders of the 10th Inst., and of which Lt. Col. Livingston is President, the following cases were tried, viz:

John Stillwell, Private in the 27th Regt. U. S. Infantry.

Charge & Specif'n. Deserting the service of the U. States, by escaping from the Garrison of New Utrecht on the 20th October, 1814. Pleaded "Guilty."

The Court confirmed the plea of the Prisoner and adjudged and determined that John Stillwell make good his time, pay the expenses of his apprehension, and for the term of twelve months be confined at hard labor, with stoppage of whiskey & half his pay.

William Kirby, private in the 32d Regt. U. S. Infantry.

Charge & Specif'n. Deserting the service of the U. S. by escaping from the Garrison at New Utrecht on the 24th Oct'r, 1814. Pleaded "Guilty."

The Court confirmed the plea of the Prisoner & adjudged and determined that William Kirby make good his time, pay the expence (?) of his apprehension, be confined twelve months at hard labor with a ball & chain to his leg, and during the remainder of his term of service have half his pay stopped.

John Connor, private in the 27th Regt. U. S. Infantry. Charged & Specif'n. Deserting from the service of the U. S. by escaping on the third day of his enlistment, to wit, the 24th of July, 1814, from the rendezvous of Lt. Scholtz, in the city of New York. Pleaded "Not Guilty."

The court after due deliberation pronounced the prisoner "Guilty" of the charge and adjudged and determined that James Connor make good his time, pay the expense of his apprehension, and for six months be confined at hard labor with stoppage of half his pay.

His Excellency approves the sentences passed by the above Court upon William Kirby, James Connor & John Stillwell; there appears some Extenuation attending the case of John Stillwell, which induces him to remit six months of his confinement to hard labor. These Prisoners will be sent to Bedlow's Island where they will be employed under the orders of Capt'n Swett until further orders.

The General Court Martial of which Lt. Col. Livingston was President, is dissolved.

By Order:

(Signed.) John R. Fenwick, Adj't. Gen'l.

Adj't. Gen'l's Office, 3d M. D.,

New York, Nov'r 19th, 1814.

G. O.:

A General Court Martial will convene on Governor's Island on Monday next the 21st Inst. at 10 o'clock A. M. for the trial of such officers & Prisoners as may be brought before it.

President.

Major J. D. Wallace, 41st Infantry.

Members.

Capt'n Watson, Corps of Artillery.

Capt'n J. B. Smith, 32d Infantry.

Capt'n Wright, 46th Infantry.

1st Lieut. A. Clinton, 41st Infantry.

2nd Lieut. Clark of the Corps of Artillery will attend as Supernumerary.

By Order:

(Signed.) John R. Fenwick, Adj't. Gen'l.

Adj't. Gen'l's Office, 3d M. D.,

New York, Nov'r 20th, 1814.

G. O.:

A General Court Martial composed of the following officers of General Haight's Brigade will sit at or near his Encampment for the trial of such Officers and Prisoners of the Brigade as may be brought before it.

President.

Lt. Col. Moscs I. Cantine.

Members.

Major John Lush
 Major Isaac Dubois
 Capt'n John Martin
 Capt'n Jacob Best

Capt'n Conradt I. Van Gaasbeck
 Capt'n Ichabod L. Judson
 Lieut. David R. Hobby
 Lieut. Peter H. Spicer.

Supernumeraries. Capt'n Benjamin Van Bentheusen & Lieut. Ira Jenkins. Adjutant Moses Aller, Judge Advocate.

A Court Martial for the trial of Absentees and Deserters from General Van Orden's Brigade will sit immediately. Lt. Col. Ezra Post to be President, & four Members & an officer to act as Judge Advocate, to be detailed by the Brigade Major.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 21st Nov'r, 1814.

At a general Court Martial held pursuant to adjournment at the Guard house of Lt. Col. Smith's Regt., Genl. Swartwout's Brigade, at the Quarantine Ground, the following cases were tried, viz:

John M. Depuy, private in Capt'n Bogert's Comp'y.

Charge. Leaving the encampment of said Regt. on the night of the 27th Oct'r, 1814, after the giving out of the Countersign, and that on the said night he took & carried away a beeve belonging to one John Garretson, an inhabitant of Staten Island in the U. S. of America, against the fifty-fourth article of War. To the first charge pleaded "Guilty;" to the second "Not Guilty."

The Court confirmed the plea of the Prisoner on the first charge and order that he be acquitted of the second charge. He having been kept in close confinement for twenty one days before his trial, they direct that he be released.

Silas Tidd, private in Capt'n (Alex'r C.) Burnet's Comp'y, (Michael) Smith's Regiment.

Charge. Deserting from said comp'y on the 12th day of Oct'r 1814. Pleaded "Guilty." The Court confirmed the plea of the prisoner and adjudged and determined that the prisoner Silas Tidd be imprisoned in the Guard house for ten days from the hour of twelve at noon of the said 16th day of November & that he forfeit one month's pay.

His Excellency approves the foregoing decisions of the General Court Martial of Genl. Swartwout's Brigade, & orders them to be carried into immediate effect; he cannot, however, but express his dissatisfaction at the irregular mode of proceeding in the above trial, that neither Questions were put to witnesses nor the substance of their Testimony recorded by the Judge Advocate; this is entirely a departure from established Rule.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 22d Nov'r, 1814.

At a General Court Martial which convened at Tammany Hall in pursuance of General Orders of the 22d October, and of which Lt. Col. Laight is President, the following case was tried, viz:

Major Thomas L. Rich, 1st Regiment, 1st Brigade of Artillery.

Charge 1st. Conduct unbecoming an Officer and a Gentleman.

Specif'n 1st. For that the said Major Rich, being officer of the day for the 1st Div'n N. Y. S. M. on the 26th October Inst., and having in that capacity entered the Encampment of Lt. Col. Van Ransellaer's Battalion (?) on Stuyvesant's Ground, accompanied by an Officer in Uniform, whose name is not known, was then & there guilty of very many & turbulent conduct & did then & there degrade the character of the officer of the day by wrangling and quarrelling with the said officer who accompanied him, in presence of the Guard of the said Encampment.

Specif'n 2d. For that the said Major Rich being officer of the day as aforesaid, did then and there, while visiting the encampment aforesaid in the capacity aforesaid, permit & suffer the said officer who accompanied him, being a subaltern, to ask questions concerning the Guard, to find fault & to assume generally the authority of officer of the Day, in direct contravention of the usages of War & to the subversion of discipline.

Specif'n 3d. For that the said Major Rich, being officer of the day as aforesaid, did at the time and place aforesaid, so behave and conduct himself in the afternoon and night of said day before the officers and privates of said encampment as to induce a belief among all who saw Major Rich that he was intoxicated.

Specif'n 4th. For that the said Major Rich, being officer of the day as aforesaid, did on the visit to the encampment aforesaid in the afternoon of the said 26th Inst. permit himself to be accompanied by an officer who was intoxicated.

Specif'n 5th. For that the said Major Rich, being officer of the day as aforesaid, did in visiting the encampment aforesaid in the night of the day aforesaid, by his loud and turbulent proceedings, disturb the repose of the said Camp, and did in presence of the Guards of said Encampment use sundry profane oaths & execrations, in violation of the 3d article of war.

Specif'n 6th. For that the said Major Rich being officer of the day as aforesaid, did at the time and place aforesaid, while visiting the Posts, refuse to answer when challenged by the sentinels, and did after being ordered by them to stand, press upon the sentinels with intent to force them, he the said Major Rich knowing at the time aforesaid that the sentinels' Muskets were not loaded.

Specif'n 7th. For that the said Major Rich being officer of the day as aforesaid & admitted in that capacity in the encampment aforesaid in the night of the said 26th Inst. did in going out of the encampment when challenged by two successive sentinels, answer "Enemy," and being by the said sentinels ordered to stand, refused to do so, and continued his course out of Camp, in violation of the usages and discipline of War.

Charge 2nd. For that the said Major Rich did on the said 26th day of October Instant, at the encampment on Stuyvesant's Ground by force of arms, with drawn sword & by the assistance of others, disarm several of the sentinels at the encampment aforesaid, the said Major Rich well knowing at the time aforesaid that the Muskets of the sentinels were not loaded & that they could not go further back without leaving their Posts.

Pleaded "Not Guilty."

The Court after mature consideration of the Charges, specifications and testimony against Major Rich, find upon the 1st Charge and the specifications connected with it, that the said Major Rich is "Not Guilty." Upon the 2nd Charge, that the said Major Rich did as officers of the Grand rounds disarm several of the sentinels unnecessarily and improperly. But that the Court conceive his conduct to have proceeded from a misapplied zeal to distinguish himself as a Disciplinarian. And thereupon acquit him.

His Excellency approves the proceedings of the Court in the case of Major Rich and orders him to be released from arrest & return to duty.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

New York, Nov'r 24th, 1814.

G. O.:

At a General Court Martial held pursuant to adjournment at the Guard house of Lt. Col. Michael Smith's Regt. in Genl. John Swartwout's Brigade of Detached Militia, the following cases were tried, viz:

Uriah Colyer, a private in Capt'n Alex'r C. Burnet's Comp'y of Col. Mich'l Smith's Regiment.

Charge. Deserting from his Regt. on the 9th Nov'r, 1814.

Daniel P. Misspauagh, Rufus Weed, Stephen Jordan, James Knap, John Benjamin & Charles Ketcham.

Charge. Deserting from their Regiment.

The Prisoners pleaded "Guilty." The Court on consideration of the various apologies & necessities of the Prisoners, order & adjudge that Uriah Colyer be imprison'd in the Guard House of said Regt. for Eight days from the hour of 12 at noon of the 22d day of Nov'r; Daniel P. Misspauagh of Capt'n Burnet's Comp'y be imprison'd as above for Ten days; Rufus Weed, of Capt'n Burnet's comp'y be imprisoned as above for Ten days; Stephen Jordan of Capt'n Webb's Comp'y be imprisoned as above for two days & forfeit one month's pay; James Knap of Capt'n Webb's comp'y forfeit one month's pay & be imprisoned as above for five days; John Benjamin of Capt'n Dunning's comp'y be imprison'd as above for Eight days in the Guard house; Charles Ketcham of Capt'n Jackson's comp'y forfeit two month's pay.

The foregoing sentences of the General Court Martial, are approved and ordered to be carried into effect.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

New York, 26th Nov'r, 1814.

G. O.

At a General Court Martial which convened at Harlaem Heights in pursuance of General Orders of the 3d Inst. & of which Lt. Col. John Brush is President, the following cases were tried, viz:

Tunis Van Vleet, private in Capt'n Rundal's Comp'y.

Charge. Desertion.

Specif'n 1st. The said Tunis Van Vleet did on the 29th of August, 1814, at Harlaem Heights, desert from the service of the United States, and did remain absent therefrom for three weeks until apprehended, contrary to his duty as a good soldier & in violation of the Rules & Articles of War.

Specif'n 2nd. The said Prisoner as aforesaid did afterwards, to wit, on the 26th October, 1814, at Harlaem Heights, desert a second time from and leave the service aforesaid, and did remain absent therefrom 15 days, until apprehended, contrary to his duty as a faithful soldier & in violation of the Rules & Articles of War. Pleaded "Guilty."

James Kain, private in Capt'n Hallock's comp'y.

Charge. Mutiny, and striking his superior officer.

Specif'n 1st. The said prisoner, did, on or about the 18th Nov'r, 1814, at Harlaem Heights, come to the tent of Ensign Benjamin Van Durzen, that he asked him if he had any Grog, to which Ensign Van Durzen replied, "No, I have none"; that he took a pitcher of water & threw it over him; that when Ensign Van Durzen afterwards attempted to put him in the Guard House, he resisted and struck him several times and made his escape in the bushes back of the Camp; that Ensign Van Durzen pursued and took him again, and that on his return to the Guard house the said prisoner pushed and struck and otherwise ill-treated him in violation of the seventh & ninth articles of war.

Specification 2nd. The said Prisoner, a private aforesaid, on or about the 18th November, 1814, at Harlaem heights aforesaid, did attempt to stop Capt'n Henry Perlee on the Parade ground and in a riotous and mutinous manner did push and abuse the said Capt'n Perlee in violation of the seventh & ninth articles of war. Pleaded "Not Guilty."

Benoni Robinson, private in Capt'n McLaughlin's Comp'y.

Charge. Absenting himself from the camp without leave.

Specif'n 1st. The said Prisoner did on Saturday evening the 29th October instant at Harlaem Heights without leave or consent of his commanding officers absent himself from Camp after tattoo.

Specif'n 2nd. The said Prisoner did on the 30th October last at Harlaem Heights absent himself from tattoo without the leave or consent of his commanding officers.

Specif'n 3d. The said Prisoner did on Tuesday the 22d of November, 1814, at Harlaem Heights absent himself from the Guard house and his duty as one of the Guard detailed for that day by his proper officer, without the consent of his commanding officers.

Specif'n 4th. The said Prisoner did on the 22d of November, 1814, at Harlaem Heights, desert from & leave his post as a sentinel without the leave of his proper officer. Pleading "Not Guilty."

Timothy Knox, private in Capt'n Randal's Comp'y.

Charge. Disobedience of orders.

Specification 1st. The said prisoner did on the 23d of November 1814, at Harlaem Heights refuse to do duty as one of the Guard detailed by his superior officer in the company to which he belongs & suffered himself to be confined to the Guard house for the disobedience of a proper and lawful command of his superior officer, in violation of the 9th Article of war.

Specification 2nd. The said Prisoner, a private as aforesaid, did on the 22nd of November, 1814, at Harlaem Heights, absent himself from camp without the leave of any of his superior officers, contrary to his duty as a faithful (?) and in violation of the Rules & articles of war.

To which Charge & Specifications the Prisoner pleaded "Not Guilty."

Ensign Eliphalet Clark, a witness for the prosecution sworne, says, Prisoner was a private in the Company to which he belongs; was detailed for duty on the 23d of November; was told by the Capt'n he must go on Guard; Prisoner said he was unwell; the Capt'n told him it was an excuse he should not accept of unless the Prisoner produced the Doctor's certificate; the Adjutant came to the Capt'n and told him to detail another man in Prisoner's place and the prisoner was committed to the Guard House. That the Prisoner is a substitute.

Lieut. Col. Belknap a witness for the prosecution, sworne, says: saw Prisoner in New York between 9 & 10 o'clock in the morning of the 22nd of November. Gave him no leave of absence.

Prisoner produced in evidence a written pass signed by Lt. Col. Delamater, dated 21st of November, giving him leave of absence until next day 12 o'clock.

Capt'n John I. Martin, a witness for the Prisoner, being sworne, says: Was Officer of the Guard 23d November. Sent the Sergeant of the Guard with the Prisoner to Captain Randal, who sent word by the Sergeant of the Guard that he withdrew the charge against the Prisoner. That he accordingly enlarged (sic) the Prisoner.

James Kain being now ready with his witnesses the Court proceeded to try him.

Ensign Benjamin I. Van Duzen, a witness for the prosecution being sworne, says: The whole of the facts contained in the charge and 1st Specif'n is true (they having been read in detail to him); says he, the Prisoner was considerably groggy.

Capt'n Henry Perlee, a witness for the prosecution being sworn, says: The facts set forth in specification second are true (they having been read to him in detail).

Question, by the Prisoner. Did you perceive that I wished to breed a riot or Mutiny in the Camp?

Answer. I did. I thought you did. Prisoner said he had done doing duty.

Adjutant Joseph Reeve, a witness for the prosecution, sworne, says: He apprehended the Prisoner on his escape from the Guard house after Ensign Van Duzen had committed him. Pursued him on horseback and ordered him to stand. That Prisoner said he gave up. Considered him in a state of delirium in consequence of Liquor. Considered him in a dangerous state of delirium. Prisoner was brought back and put in the Guard house.

Question, by the prisoner. Did I not tell you this morning that I was always sorry for what I have done?

Answer. Yes.

John Shubert, a witness for the Prisoner, being duly sworne, says: That Ensign Van Duzen struck prisoner twice before he lifted a hand to him. When he was in the bushes prisoner took Ensign Van Duzen in a friendly way by the elbow and that Ensign Van Duzen immediately struck him. Cannot say whether Prisoner returned the blow. It was not a hard blow, though with his fist. That prisoner said he would stay in camp and do his duty as long as Captain Hallock staid. Is certain that Ensign Van

Duzen struck prisoner first after they came out of the Tent. Witness was standing about two Rods off.

Question, by the prisoner. Did you not inform me that they were after me with a Guard, and advise me to go away.

Answer. I did. And you said you would not, and that you would always do your duty. Witness also stated that when Ensign Van Duzen struck prisoner, he (witness) thought and said it was unfair to strike a Prisoner.

Ensign Van Duzen being re-examined says the Prisoner struck him repeatedly. That he never struck the Prisoner only when prisoner attacked him he endeavoured to extricate himself.

Abraham Valentine, a witness for the prosecution being sworn, says: On the affray in the bushes prisoner shoved Ensign Van Duzen without provocation. That Ensign Van Duzen turned to save himself and prisoner struck him a full hard blow with his fist. Ensign Van Duzen endeavoured only to keep him off. Is positive that Ensign Van Duzen did not strike him. Prisoner damned him & abused him severely.

The Court being cleared and the whole of the proceedings read over to the Court by the Judge Advocate, the following, sentences were respectively pronounced:

Sentences.

The Court after deliberation find Tunis Van Vleet "Guilty" and sentence him to forfeit all the pay which may be due to him and to be drummed out of the camp.

Benoni Robinson "Guilty" of 1st, 2nd, & 3d specific'ns; "Not Guilty" of the 4th specification, and sentence him to forfeit all the pay which may be due to him, and to be drummed out of the camp.

Timothy Knox "Guilty" of the 1st specif'n; "Not Guilty" of the 2nd specification, and that in as much as Capt'n Rundal had withdrawn the commitment and the circumstances not appearing to be very aggravating do sentence him to be reprimanded at the Head of the Brigade by the Brigade Major.

James Kain "Guilty", and do sentence him to forfeit all his pay and to be drummed out of the camp.

The foregoing sentences of the Court Martial of which Lt. Col. Brush is President, are approved and ordered to be carried into effect.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, Nov'r 28th, 1814.

At a General Court Martial held pursuant to adjournment at the Guard house of Lieut. Col. Michael Smith's Regt. in Genl. Swartwout's Brigade of Detached Militia, the following cases were tried (viz):

Joshua Corwin, a private in Capt'n Richard Penny's Comp'y.

Charge. Deserting from said company on the 19th day of October, 1814. Pleaded "Guilty."

The Court confirm the plea of the Prisoner and order and adjudge that the prisoner Joshua Corwin forfeit one and a half month's pay.

William McDowell, a private as above.

Charge. Desertion as above. Pleaded "Guilty."

The Court confirm the plea of the prisoner, & order that the prisoner William McDowell forfeit two and a half month's pay.

The above sentences of the Court Martial are approved and ordered to be carried into execution.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.

G. O.:

New York, 29th November, 1814.

At a General Court Martial, which convened at the Encampment on Brooklyn Heights, in pursuance of General Orders of the 21st inst. & of which Lt. Col. Moses I. Cantine was President, the following case was tried, viz:

Captain Daniel Ackerman of Lt. Col. Varian's Regt.

Charge 1st. Neglect of duty.

Specif'n. For that the said Capt'n Ackerman on the morning of the 19th Inst. did refuse to turn out his proportion of the Guard detailed for the safety of the Encampment and by such refusal violated the orders issued in relation to that subject.

Charge 2nd. Unofficerlike & ungentlemanlike conduct.

Specif'n. That the said Capt'n Ackerman on the day and place aforesaid was guilty of using insulting and abusive language to Adjutant Bailey, by saying to him the said Adjutant Bailey, in presence of his company when he informed him the said Captain Ackerman that it was his duty to send to the Guard house any soldier of his company who refused or neglected to perform his regular detail guard duty; "that he would see him damned before he would send to the Guard house any of his men upon the said Adjutant Bailey's orders.

Specif'n 2nd. That the said Capt'n Ackerman at the time & place on the occasion aforesaid, did say to the said Adjutant Bailey, in the presence of his Company: "I suppose you will report me to the General and have me arrested, but I will see you all d——d before any of you shall have my sword," or words to that effect.

Pleaded "Not Guilty."

The Court after mature deliberation on the testimony adduced, find the prisoner "Guilty" of the 1st Charge & 1st Specif'n, & "Not Guilty" of the 1st & 2nd Specif'ns of the 2nd Charge, it not being proved that the words were uttered in presence of the Prisoner's Comp'y, and sentence the said prisoner to be publicly reprimanded.

The above proceedings and sentence are disapproved, the Capt'n is released from arrest, and the Court is dissolved.

By Order:

(Signed.) John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.: New York, 30th Nov'r, 1814.

At a General Court Martial which convened on Governor's Island in pursuance of General Orders of the 21st Inst. and of which Major J. D. Wallace is President, the following cases were tried, Viz:

John Turner, private in the 46th Regt. of Inf.

Charge & Specif'n. Deserting from the service of the United States by escaping on the 2nd of Septemb'r, 1814, in the Fishkill mountains, when ordered in pursuit of Deserters. Pleaded "Guilty."

The Court confirmed the plea of the prisoner, & adjudged & determined that John Turner make good his time, pay the expense of his apprehension and for one year be confined at hard labor, and have half his pay stopped.

James J. Tompkins, private in the 46th Inf.

Charge & Specif'n. Deserting the service of the U. S. by escaping on the 4th of October, 1814, from Governor's Island in the harbor of New York.

Pleaded "Guilty."

The Court confirmed the plea of the Prisoner, and adjudged & determined that James J. Tompkins make good his time, pay the expense of his apprehension & be confined one year at hard labor.

John Auld, 3d Lieut. & Adjutant of the 42nd Regt. Inf'y.

Charge. Conduct unbecoming an officer & a gentleman.

Specif'n. Publishing a malicious falsehood in this, to wit, Reporting on or about the 28th of October, 1814, at Camp Boyd, New Utrecht, that Capt'n Hanson of the 42nd Regt. was drunk, while acting as officer of the day.

Pleaded "Not Guilty."

The Court after mature deliberation on the facts adduced in evidence, was of opinion that the conduct of the accused, in reporting the circumstances detailed in the specif'n to others than the commandant of the Regt. was reprehensible in a high degree, yet as it does not appear that he was actuated by malicious motives, and the testimony

discloses circumstances at least sufficient to rebut the imputation of propagating a wilful falsehood, the Court doth thereupon pronounce the accused "Not Guilty" of the charge & specification as preferred (?), and doth adjudge and determine that John Auld, Lieut. of the 42nd Inf. be acquitted.

John Brown, private in the 29th Inf.

Charge & specif'n. Deserting from the service of the United States by escaping from a Sergeant of his Regiment in the City of New York on the 14th of Sept'r, 1814, and afterwards, to wit, on the day and year aforesaid re-enlisting in the 42nd Regt. of Infantry.

Pleaded "Not Guilty."

The court after due deliberation pronounced the prisoner "Not Guilty", and adjudged and determined that John Brown, private in the 29th Inf. be acquitted of the charge preferred. (?)

The foregoing decisions of the General Court Martial of which Major J. D. Wallace is President are approved. Lieut. Auld is released from arrest & will return to duty. The decisions in the other cases to be carried in immediate effect.

By Ord.r:

(signed)

John R. Fenwick, Adj. Genl.

Adj. Genl's Office, 3d M. D.,

G. O.:

New York, 1st Dec'r, 1814.

At a General Court Martial which convened at Tammany Hall in pursuance of Genl. Orders of the 22nd October, 1814, and of which Lt. Col. Laight is President, the following case was tried, Viz:

William Macomb, Brigade Quartermaster of Genl. Hermance's Brigade of D. M. S. N. Y.

Charge. Conduct unbecoming an officer & a gentleman.

Specif'n 1st. That he did on the 17th of October last past, at Harlaem Heights, in a letter directed to Lieut. Col. Belknap, implicate and charge me in substance with being void of spirit and regardless of my word which implication and charge is sufficiently expressed in said letter in the possession of Lt. Col. Belknap.

Specif'n 2nd. That he did on the evening of the 19th of October, at Harlaem Heights, send a verbal message to me, requesting to see me in a lane contiguous to my quarters, and pursuant to said request I did go down said lane, where I was met by said Macomb and John P. Decatur, Major of Lt. Col. Belknap's Regt.; said Macomb did then & there strike me with a stick or cane once, and was prevented from repeating the blow by the interference of Major Decatur.

Specif'n 3d. That one evening at Mr. Wagstaff's near Harlaem Heights, on or about the 29th of September in a conversation concerning the attack on Baltimore, with Adjutant Joseph Reive and other officers of this Brigade he did then and there openly express himself in the following sentence, viz: that "he wished the British had succeeded and blown Baltimore all to Hell."

Specif'n 4th. That on the 20th October, on the parade at Harlaem Heights, he attempted to draw the sword of an officer on me in furious anger, but was resisted by that officer; that he then threw at me violently a large stone which missed me; that he then attempted to throw a second but was prevented by the officers standing near.

Specif'n 5th. That in a conversation he had with Lt. Col. Anthony Delamater, on or about the 10th of Sept'r at Harlaem Heights, and when the soldiers were in great want of canteens and the Commissary's Department unable to furnish them, he made a proposition privately to Lt. Col. De Lamater in substance as follows, viz.: That he (Macomb) would furnish canteens if Lt. Col. De Lamater would procure the soldiers to buy them at about twelve shillings a piece, and that he (Col. De Lamater) should have about one shilling a piece for his agency; which proposition was indignantly spurned by the Colonel.

Specif'n 6th. That (?) did while employed in his duties at Poughkeepsie, in August last, hire a conveyance of Henry Kelsey, charged at about four dollars; that Macomb

said he would not pay him unless he would sign duplicate receipts (?) for about twelve dollars; that Mr. Kelsey remonstrated, on which Macomb replied in substance: "It cannot hurt you, and is the only way Quartermasters or Staff Officers can cover their expenses"; that the said Mr. Kelsey did then and there sign duplicate receipts (?) for about twelve dollars, Macomb paying him only about four dollars.

Specif'n 7th. That while in the discharge of his duties as Brigade Quartermaster some time in September last, at Harlaem Heights, he did hire a wagon of a Mr. Ryder which for the service rendered as aforesaid, did produce his Bill amounting to about twelve dollars; that said Macomb contrary to the principles and wishes of Mr. Ryder did take duplicate receipts for about twenty seven dollars, paying him at the same time about twelve dollars.

The Prisoner then plead to the charge and 1st Specif'n "Not Guilty". To the second specif'n "Not Guilty." To the 3d specif'n, admits the facts but denies his responsibility. To the 4th "Not Guilty" and justification. That the acts charged were in his own defence. To the 5th "Not Guilty" and that this specification does not state an offence liable by this Court. To the sixth & seventh specifications "Not Guilty."

The Court after maturely weighing the testimony and evidence adduced, find upon the 1st, 2nd, 3d & 5th specifications that the prisoner is guilty of the facts charged therein respectively. Upon the 4th specification, that the prisoner committed the acts therein charged but that he was justified in so doing. Upon the 5th specification that the prisoner is guilty of taking a receipt for twelve dollars from Henry Kelsey when he actually paid but nine dollars. Upon the 7th specif'n that the prisoner procured a receipt from Mr. Ryder for twenty seven dollars and paid him the same time only twelve.

Sentence. The Court thereupon find the prisoner William Macomb, Guilty of conduct unbefitting an Officer and a Gentleman, and sentence him to be dismiss'd from service.

His Excellency the Commander in chief disapproves the finding of the Court in the 6th & 7th specifications, because the transactions therein set forth are satisfactorily explained by the testimony; he approves of the rest of the proceedings and the sentence.

By Order:

(signed)

John R. Fenwick, Adj't. Gen'l., 3d, M. D.

CAPTAIN SWETT RELEASED FROM ARREST.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 4th Dec'r, 1814.

Capt'n M. Swett of the Corps of Artillery being in arrest upon charges preferred (?) by Colonels House & Talmadge, & those gentlemen from purest military motives having expressed a willingness to have the charges withdrawn; His Excellency the Commander of the District, approves their communication & directs that Captain Swett be released from his arrest, & return to the command of his Company.

A sergeant, Corporal & twelve men from the 46th Infantry will relieve the Garrison at the North Battery immediately. Lt. Col. House will direct an officer to take charge of & give receipts for all the Ordnance Stores & Public property in the West & North Batteries.

By Order:

(signed)

John R. Fenwick, Adj't. Gen'l.

Adj't. & Inspector Gen'l's Office,

G. O.:

November 27th, 1814.

The resignation of Thomas Behan as 3rd Lieut. of the 27th Infantry has been accepted, to take effect on the 5th December next.

By Order:

(signed)

D. Parker, Adj't. & Insp'r Gen'l.

GENERAL ORDERS.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 5th December, 1814.

All officers of this District not on duty by special orders from the War Department will immediately join their Regiments.

Stephen Jones & Allen Sherman, confined for desertion, are to be released. His Excellency the Commander of the District in hope that an act of Lenity toward them will produce a course of conduct which will be hereafter creditable to them and the service, he shields them from the sentence of a Court Martial which possibly would have punished them with Death. He pardons them for the offence they have committed, directs that they be attached to one of the Companies of Artillery on Governor's Island & that they do duty in the same.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 6th Dec'r, 1814.

At a General Court Martial convened at Harlaem Heights, pursuant to General Orders of the 20th Novem'r, 1814, and of which Lt. Col. Ezra Post is President, the following cases were tried, viz:

Staats Degrote, private in Capt'n (Andrew) Van Der Zee Comp'y.

Charge. Desertion. Specif'n. That the said Staats Degrote did on the 13th of October, 1814, absent himself from my company, without the leave or permission of me or any of the officers of my company from the 13th of Sept'r to the 9th November. Pleaded "Guilty." The Court confirmed the plea of the prisoner, and sentenced him to hard labor at Harlaem Heights fortifications, for and during the term of four full days.

John W. Trusdill, private in Capt'n Andrew Van der Zee's Comp'y.

Charge. Desertion. Specif'n. That the said John W. Trusdill, did on the 28th of September, 1814, absent himself from my Company without my leave or any of the officers of my Company. Pleaded "Guilty." The Court confirmed the plea of the Prisoner and sentenced him to hard labor at Harlaem Heights, for & during the term of seven full days.

Isaac Lampman, private in Capt'n Van der Zee's Company.

Charge. Desertion. Specif'n. That the said Isaac Lampman did on the 24th September, absent himself from my company without leave of me or any of the officers of my Company. Pleaded "Guilty." The Court confirmed the plea of the Prisoner and sentence him to hard labor at Harlaem Heights, and to have his back pay stop'd to this day, inclusive; Nov'r 13th, 1814.

His Excellency approves the sentences of the General Court Martial of which Col. Post is President, & dissolves the Court.

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 6th December, 1814.

Joseph Jackson, private in Capt'n Crane's Company, 27th U. S. Infantry, is detailed to conduct the Telegraph at the Hook.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

After Orders: The Conductors of the State Ordnance, will report to Capt'n Hanham the state of the Ordnance & Ordnance stores, within their controul (?) in this District, & Col. House will cause a similar Return to be made to the Adj't. Gen'l's Office as soon as possible.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Gen'l's Office, 3d M. D.,
New York, 8th Dec'r, 1814.

G. O.:
A General Court Martial will sit to-morrow, 11 O'clock A. M., for the trial of such persons as may be brought before it. To convene at or near Fort Greene.

President.
Major J. D. Wallace, 41st Inf.

Members.

Capt'n J. B. Smith, 32d Inf.	Capt'n M. M. Quackenboss, 41st Inf.	
" E. B. Duval, 42d. "	" P. Miller,	46th "

Capt'n A. Sherman of the 41st Regt. will act as Judge Advocate.

By Order:

(signed) _____ John R. Fenwick, Adj't. Genl.

ALLOWANCES FOR THE TROOPS.

Adj. & Inspector General's Office,

G. O.: Dec'r 1st, 1814.

The following will govern the allowance of quarters and of fuel to officers, non commissioned officers, musicians, and privates of the Army, when in Garrison or in Cantonment, in lieu of the Regulations heretofore adopted for that purpose, viz:

Quarters.	Monthly allowance of wood. From the 30th April to 1st Nov. Cords.	From 1st Nov'r to 30th April. Cords.
To a Major General, three rooms & a Kitchen	1	6
To a Brigadier General, Commissary Genl. of Ordnance		
Physician & Surgeon Genl. each two Rooms & a Kitchen	1	4½
To every other officer having the rank of Field Officer, one room & a Kitchen	1	3
To each Brigade Major, Deputy Paymaster Genl., District or Assistant District pay- master, Captain, Judge Advocate, Chap- lain, Hospital Surgeon, Regimental Surg'n, & to two Hospital Surgeons' mates, or two Regimental Surg'ns' Mates, one Room	½	1½

	Monthly allowance of w ^o d.	
	From the 30th April to 1st Nov. Cords.	From 1st Nov'r to 30th April. Cords.
Quarters.		
To the Senior Officer at a post, and to the principal officer of each branch of the Staff, one room as an office.....	—	2
For all other commissioned officers, one room to every two officers.....	$\frac{1}{2}$	$1\frac{1}{2}$
To each Mess of six or more officers, one room as a kitchen.....	$\frac{1}{2}$	1
At posts where there are less than six officers, fuel for a Kitchen shall be allowed.		
For every six non commissioned officers, Musicians or privates.....	$\frac{1}{2}$	1

By Order of the Secretary of War:

(sig'd)

D. Parker, Adj't. & Insp'r Genl.

Adj't. Genl's Office, 3d M. D.,
New York, Dec'r 8th, 1814.

After Orders:

The District pay master of Militia will immediately pay the Detachment destined to do duty in the vicinity of the City, the amount due them for services performed. This payment to be made before they march.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

Adj't. Genl's Office, 3d M. D.,
New York, Decemb'r 9th, 1814.

G. O.:

The General Court Martial for Trial of Delinquents, will adjourn from its present place of Session to such other in the several Counties where the Delinquents reside. Proceed to their trial with all the expedition that Public Justice will admit of. One Sergeant & two Corporals will attend the Court as Orderlies.

The Barrack Master will without delay repair to Staten Island, inspect the Barracks, and if necessary have them repaired for the reception of the 46th Infantry, which will hold itself ready to march.

By Order:

(signed)

John R. Fenwick, Adj't. Genl.

After Orders:

One Company of Militia drafted from Genl. Mapes' Brigade will relieve in the course of tomorrow the Company of Artillery at Harlaem Heights & a subaltern's command will relieve the troops at the State Magazine.

By Order:

(signed)

John R. Fenwick, Adjt. Genl.

GENERAL WILKINSON'S COURT MARTIAL BEGUN.

Adjt. & Inspect'r Genl's Office,

Nov'r 30th, 1814.

Sir:—

A General Court Martial for the Trial of Major Genl. Wilkinson, will convene in the Village of Utica on the 3d of January next; the following officers within District No. 3 are named as witnesses, viz:

Major Genl. M. Lewis, Brig'r Genl. J. P. Boyd, Brig'r Genl. Robt. Swartwout, Doct'r Jno. M. Ross, Hosp. Surgeon, on the part of the Government;

Capt'n John Biddle, 42d Inf., Brig'r Genl. Robt. Swartwout, on the part of the General.

It is the order of the Secretary of War that the above named Officers be directed to attend before the Court at the time and place above stated.

I have the honor to be, Sir,

Your Ob't Serv't,

(sig'd)

D. Parker, Adjt. & Insp'r Genl.

Col. John R. Fenwick,

Adjt. Genl., New York

HEADQUARTERS TRANSFERRED TO THE GOVERNMENT HOUSE.

Adjt. Genl's Office, 3d M. D.,

G. O.:

New York, 10th December, 1814.

The headquarters of the District, His Excellency has transferred to the Government House, State Street.

By Order:

(signed)

John R. Fenwick, Adjt. Genl.

WINTER QUARTERS FOR TROOPS.

Adj't. Genl's Office, 3d M. D.,

G. O.: New York, 11th December, 1814.

Capt'n Stevens being the senior officer of the Militia order'd on duty in the City & vicinity of New York, he will command the whole & will be obeyed & respected accordingly. These Troops will take up their Winter Quarters on Harlaem Heights & will furnish the necessary Guards for the Lines, Barracks & Arsenal until further orders. Capt'n Stevens will report at this office every other day the state of his command.

(signed) John R. Fenwick, Adj't. Genl.

RESIGNATIONS.

Adj't. & Inspect'r Genl's Office,

G. O.: Dec'r 7th, 1814.

The resignation of 1st Lt. J. Wilson of the 46th & 3d Lt. T. Crawford of the 27th Infantry has been accepted, to take effect on the 5th Instant.

By Order:

(signed) D. Parker, Adj't. & Insp'r Genl.

THE FORTY-SIXTH REGIMENT ORDERED TO THE WORKS ON STATEN ISLAND.

Adj't. Genl's Office, 3d M. D.,

G. O.: New York, 13th Dec'r, 1814.

The 46th Regt. of Infantry will proceed with all Dispatch to Staten Island; it will occupy the different works. Capt'n Hanham's Comp'y will be relieved by such Detachment as Col. Talmadge shall direct, and will repair to Governor's Island in the

same transportation which conveys the 46th to Staten Island, which will be furnished by the D'y Quartermaster Genl.

The Barge Crew at the West Battery will join its Regt. and the Boat returned to Governor's Island.

Capt'n Dominic Lynch is continued on the staff of Genl. Lewis.

The Militia stationed on Staten Island being discharged, Genl. Swartwout and his Staff are included in the General Order of the 28th Ult'o. The Commander in Chief presents to the General & his Staff, his cordial thanks for their Zeal, Intelligence, & useful services during the period of his command.

Col. Fenwick being absent on public Business, by order of the Commander in Chief, all Returns and Communications with the Adj't. Gen's Department will be addressed to Major Chrystie.

By order:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

COLONEL JUSTUS POST PROMOTED QUARTERMASTER-GENERAL.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 13th Dec'r, 1814.

Col. Justus Post has been appointed a Quartermaster General in the service of the United States, and assigned to the Third Military District. He will enter upon the duties of his office the 14th Instant at 10 O'clock in the Morning. All the officers on duty in this District, belonging to the Quartermaster General's Department, will forthwith report themselves to Col. Post & receive & respect his instructions & orders.

By order:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

COLONEL COLE'S COURT-MARTIAL.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, 14th Dec'r, 1814.

The orderly hour at the Adjutant General's Office is changed to 12 instead of 10 O'clock, when Brigade Majors, Adjutants and other Officers authorized to take the General orders of the day will be punctual in their attendance.

Lt. Keeler, commanding the Guard of N. Y. S. Volunteers, stationed at the State Arsenal, will report at this Office every other day the state of his command.

A furlough is granted to Major Charles W. Wooster, Lieutenants Keen & Gracie, of the Sea Fencibles, for the term of four months from the date thereof, at the expiration of which time they are ordered to return to their Corps; it being understood that during the absence of these officers they forego their pay and emoluments.

Lt. Gilbert of the 42d Regt. will immediately repair to New Utrecht & report to Lt. Col. Forbes, or officer commanding at that Post.

By order:

(signed)

Thos. Chrystie, Asst. Adj't. Genl.

After Orders:

The General Court Martial for the Trial of Col. Coles will convene at the West Battery instead of Governor's Island. The Quartermaster General will cause the Furniture of the Court Martial room on Governor's Island to be transported to the West Battery this afternoon, & will give the necessary orders that the room at that post may be prepared for the meeting of the Court at 10 o'clock tomorrow morning.

Capt'n Ingersoll of the 41st Regt. will attend as supernumerary member of the above mentioned Court, in place of Capt'n Sherman, at present acting as Judge Advocate at Fort Greene.

Capt'n Earl of the 27th Regt. has leave of absence for six days at the expiration of which time he will report himself at this office.

By order:

(signed) Thos. Chrystie, Asst. Adjt. Genl.

Additional After Orders:

John Rodman Esq'r is assigned & will act as Judge Advocate on the Trial of Col. Coles.

By order:

(signed) Thos. Chrystie, Asst. Adjt. Genl.

THE SEA FENCIBLES TRANSFERRED FROM SANDY HOOK TO STATEN ISLAND.

Adj't. Genl's Office, 3d M. D.,

G. O.: New York, 15th December, 1814.

Capt. Burrows' Company of Sea Fencibles will be removed from Sandy Hook to Fort Richmond & will have the charge of Fort Richmond and the Barracks of that Fort and will be subject to the orders of the commanding officer of the army at that Post of superior rank. The Quartermaster Genl. will provide the necessary transportation.

The Commandant of Fort Gibson is ordered to deliver over into the custody of the Marshal of the District such British prisoners as he may have in his keeping.

By order:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

JAMES RENWICK ORDERED TO REPORT TO GENERAL SWIFT.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 16th Dec'r, 1814.

James Renwick Esq'r, Assistant Topographical Engineer, is retained in the service of the United States & will report himself accordingly to Brigadier General Swift.

By order:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

THE FORTY-FIRST REGIMENT ORDERED TO THE NORTH BATTERY.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 17th Dec'r, 1814.

A guard of two noncommissioned Officers & 12 Men will be detailed from the 41st to take possession of the North Battery and relieve the Guard from the 46th tomorrow at 10 A. M. The Guard from the 46th will join the Regiment at the Narrows when relieved. The North & West Batteries will be commanded by a commissioned officer of the 41st who will give receipts for the public property in the North Battery. The Quartermaster Genl. will provide the necessary transportation.

The General Court Martial for the Trial of Col. Coles will adjourn from the West Battery to Tammany Hall, to meet on Monday at 10 O'clock. The Quartermaster Genl. will order the Court Martial room Furniture at the West Battery to be returned to Governor's Island.

Lt. Daniel L. Scott, Quartermaster of the 27th Regt. will immediately proceed to Sandy Hook and report himself to Major J. D. Wadsworth or officer commanding at that Post.

By order:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

GENERAL ORDERS.

Adj't. & Insp'r Genl's Office,

December 9th, 1814.

G. O.:

The servant or servants of an officer of the General Staff, or of an officer not on duty with his Corps, may be mustered by any mustering officer of the Army, to whom such officer may apply for that purpose, and the certificate of an officer that he has actually kept & employed such servant or servants shall entitle him to have the muster made & certified accordingly.

By order of the Secretary of War:

(Signed)

D. Parker, Adj't. & Insp'r Genl.

Adj't. Genl's Office, 3d M. D.,

New York, 20th Dec'r, 1814.

G. O.:

John Shaw, private in Capt'n Sherman's Comp'y of the 41st Regt., is detailed to attend the Telegraph at the West Battery under the directions of Mr. Colles.

By Order:

(Signed.)

Thos. Chrystie, Asst. Adj't. Genl.

Adj't. & Insp'r Genl's Office,

Dec'r 16th, 1814.

G. O.:

The Senate of the United States having on the 10th Instant negatived the appointments of James P. Byrne as 1st Lieut., 27th Infantry; Daniel L. Scott as 1st Lieut., 27th Infantry; William Perrin as 1st Lieut., 27th Infantry; Robert McElwrath as 1st Lieut., 27th Infantry; Stewart Elder as 2d Lieut., 27th Infantry; Thomas McConkey as 2d Lieut., 27th Infantry; Royal Geer as 2d Lieut., 27th Infantry; James Mears as 2d Lieut., 27th Infantry; Constantine Clifford as 2d Lieut., 27th Infantry; Thomas Crawford as 2d Lieut., 27th Infantry; P. McKeon as 2d Lieut., 27th Infantry;

They will not be considered in the service of the United States after the 31st December, 1814.

By order of the Secretary of War:

(Signed)

D. Parker, Adj't. & Insp'r Genl.

PRIVATEERS HALTED AT THE NARROWS.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, 21st Dec'r, 1814.

Privateers or armed Vessels proceeding to Sea will be permitted to pass Fort Gates without being brought to; but all vessels coming in, and all unarmed private vessels going out will be brought to as usual. The commanding officer of the Forts on Staten Island will bring to & examine all outward bound Privateers and armed vessels.

Capt'n Samuel Borden of the 32d Regt. has leave of absence for six (?) from this date, at the expiration of which time he will report himself at the Adj't. Genl's Office of the 3d M. D.

By order;

(signed)

Thos. Chrystie, Asst. Adj't. Genl.

Adjutant Genl's Office, 3d M. D.,

G. O.: New York, 23d Dec'r, 1814.

Lt. John G. Morgan of the 51st Regiment of Inf. of the State of New York, is assigned as Adjutant of the Battalion of Detached Militia and Volunteers under the command of Major Abraham Stevens in the service of the United States in the third Military District, and will be recognized and respected accordingly.

By Order;

(signed) Thos. Chrystie, Asst. Adj. Genl.

DR. JAMES GAMAGE SENTENCED TO BE DISMISSED FROM THE SERVICE.

Adjutant Genl's Office, 3d M. D.,

G. O.: New York, 23d Dec'r, 1814.

At a General Court Martial which convened at Tammany Hall pursuant to orders of the 1st inst., & of which Major Israel Purdy of Steddford's Brigade is President, the following case was tried, viz:

John Gamage, Surgeon of the 1st Regt., 10th Brig'de, N. Y. D. M.

Charge. Neglect of duty.

Specif'n 1st. In this, that the said John Gamage, on being informed, the 9th Oct'r, 1814, of the extreme illness of John O. Hanson, a private in Capt'n Flemming's Company in the above Regt., wholly neglected to visit the said Hanson for at least five days after he had been particularly requested by Capt'n Flemming by note delivered in person.

Specif'n 2d. In this, that the said Surgeon Gammage, having been brought to the house of the said Hanson, denied the illness of the said Hanson, although it will be satisfactorily proved that the patient was at that time labouring under a high fever. That

the said Surgeon Gammage enquired the name of the Family physician and on being told, observed that he could not be a Gentleman or he would have written to him inviting a consultation; and further, that the said Surgeon Gammage reprimanded the patient severely, charged him with defrauding the State, threatened him with forfeiture of pay & rations, and said other indecorous language unbecoming his station and the occasion. That he called but once afterwards, and did not prescribe at either visit, and received his first information of the death of Hanson on the 24th Oct'r, from Capt'n Flemming's report of that day.

Specif'n 3d. In this, that the said Surgeon Gammage was likewise duly informed of the illness of Andrew Whitford, also a private in Capt'n Flemming's Company, on the 7th November, by note from Capt'n Flemming, stating that the said Whitford apprehended a jaundice, which he attributed to exposure while on duty with his Company at the State Powder Magazine near Hamilton Square; that the said Surgeon was likewise particularly requested by Captain Flemming in person and also by a second note to visit said Whitford, but instead of so doing as was his duty as Surgeon of the Regt., he wholly neglected to call on the patient, who was thereby obliged to employ another physician at his own expense.

Specif'n 4th. In this, that Abraham Cadmus, also a private in Capt'n Flemming's Company, having been confined by illness between the 4th & 29th of Oct'r, the said Surgeon was during that time repeatedly informed thereof; that he as often answered that the patient should be attended to, but that he wholly neglected to visit said Cadmus who was thereby obliged to employ another physician at his own expence. (?)

Pleaded——

Sentence. The Court after mature deliberation, find the prisoner John Gamage, Surgeon of the 1st Regt., Guilty of the charge exhibited against him upon the 1st, 3d & 4th Specifications; and on the 2d Specif'n, that the said Surgeon did not call upon Hanson but once after his first visit, and did not prescribe for him at either visit; and as to the other parts thereof the court are of opinion that they are not relative to the charge. And they sentence the said John Gammage, Surgeon, to be dismissed from the Service.

His Excellency approves the sentence of the Court in the case of Surgeon Gammage. The Court of which Maj'r Israel Purdy is President, is dissolved.

By Order:

(signed)

Thos. Chrystie, Asst. Adj. Genl.

ORDERS, TRANSFERS, FURLOUGHES, REMISSIONS AND RESIGNATIONS.

Adj. Genl's Office, 3d M. D.,

G. O.:

New York, Dec'r 23d, 1814.

In pursuance of an order of the War department, Lieut. John Farley of the Corps of Artillery, will repair to Plattsburgh and report himself for duty to the senior officer of Artillery at that place.

In consequence of the extreme ill health of Lieut. J. M. Burgess of the 26th Regt. now in this District, His Excellency the Commandant of the District grants him a furlough for two months (or to report sooner if able to do duty, to this office, and to the Commandant of his Regiment.)

In pursuance of an order of the War Department, John McLaughlin and Michael McGowan, invalid soldiers of the 13th Regt. U. S. Infantry (from wounds received in the Battle of

Queenstown) are restored to the Rolls of the Army agreeably (?) to their original Enlistment. The three months' gratuitous bounty received by them at the time of their Discharge in June last to be deducted from the pay now due them.

His Excellency, the Commandant of the District is induced from the favourable representation made by Lieut. Col'l Talmadge in behalf of Peter Elsworth of the 13th Regt. Infantry, Will'm Jones of the 23d Regt. Infantry, Jonas Hoyt & James Love of the 25th Regt. Infantry, Prisoners under sentence of a General Court Martial, to remitt (?) the remainder of their punishment, and orders that they be released & do duty in the 46th Regt. until an opportunity occurs for them to join their respective Regiments .

By Order:

(signed)

Thos. Chrystie, Asst. Adj. Genl.

Adj't. Genl's Office, 3d M. D.,

G. O.:

New York, Dec'r 24th, 1814.

Owen McGowen, private of the 27th Regiment Infantry, is attached as an attendant on the United States line of Telegraphs from New York to Sandy Hook, under the direction of Captain Christopher Colles, Superintendent.

By Command:

(signed)

Thos. Chrystie, Asst. Adj. Genl.

Adj't. & Inspector Gen'l Office,

G. O.:

22d Dec'r, 1814.

The resignation of 1st Lieut. Peter T. Gilbert of the 42d Infantry has been accepted to take effect Dec'r 31st, 1814.

By order:

(signed)

D. Parker, Adj't. & Inspect'r Genl.

DUTIES OF THE STAFF.

Adj't. Gen'l's Office, 3d M. D.,

G. O.:

New York, Dec'r 26th, 1814.

The Court Martial whereof General Steddiford is President, will proceed without delay to the trial of cases of delinquency, both under General orders of the 4th and 29th day of August last, and the same Court is organized for the trial of all deserters from the Militia of the State of New York during their late service in this District. The Court is authorized to adjourn and hold its sittings in any county of the State of New York, as well within as without the 3d Military District. And the Quartermaster General is directed to advance the funds required to defray the incidental expences (?) of the Court. All requisitions for issues of forage, fuel, and straw for the troops stationed in this District, will hereafter be handed to the Quartermaster General on the first day of each month & those for Stationary (?) quarterly, on the first Day of January, April, July, & October.

The requisitions for fuel, as also those for straw will be consolidated by Garrisons, Posts, or Cantonments, excluding the sick in Hospital. The certificates of correctness and the orders for the issue will be signed by the commanding officer and the Receipts by the Division, Brigade, or Regimental Quartermaster, if such Officer be attached to the command, but if not, the receipts for such issues will also bear the signature of the Commanding Officer of the Garrison, Post, or Cantonment for which the supplies are drawn.

Requisitions for such quantities of fuel & straw as may be necessary for the sick in Hospital, will be signed by the commanding officer & will be receipted by the Senior Surgeon at the Post.

The Quartermaster General will furnish the respective Com-

mandt's with such forms as he may prescribe relating to the duties of his department.

The Quartermaster General or under his direction Major Romaine the Deputy Quartermaster General lately acting as head of the Department, will proceed to settle & pay the contingent expences (?) of the Detachments of Militia both of New York & New Jersey recently in service in this District, and will in like manner audit & pay the contingent expences (?) of apprehending Deserters from said Militia, having strict regard to the reasonableness of the charge where regular Vouchers cannot be obtained.

The Quartermaster General will provide Major Romaine with a seperate (?) office until the 1st of February, to enable him to close the business of the District transacted by him. His office will be removed from Headquarters as soon as may be practicable & convenient.

The principal pay master of the Militia will take care that no individual of the Corps lately in service suffer any Discount or Diminution of the pay due him by the Government, and he is directed to suspend and report for removal from office and prosecution, any Regimental paymaster who shall neglect to obey the Instructions given by him to that effect. The paymaster of the Army is also instructed to use every exertion necessary to prevent the like imposition on the soldiers of the Army.

The Commander in Chief having the permission of the President to leave the District for a time, the Command in the meanwhile devolves on Brigadier General Boyd, who will be obeyed and respected accordingly.

The Commander in Chief, sensible of the assistance he has received from the heads of Departments and commanding officers of the District, and of the confidence & respect universally exhib-

ited by the officers & soldiers under his command, cannot withhold an expression of his acknowledgements (?) & warm approbation. He will expect the like confidence in the officer left in command, who, besides the consideration due to his rank, has claims to honorable distinction from his patriotic & gallant Conduct on various occasions.

By Command of His Excellency, Dan'l D. Tompkins:

(signed) Thos. Chrystie, Asst. Adj't. Genl.

GOVERNOR TOMPKINS, AT HIS OWN REQUEST, RELIEVED FROM
COMMAND.

(Copy.)

Department of War,

10th of April, 1815.

Sir:—

I have honor to acknowledge the receipt of your letter requesting to be released from the command of the third Military District; and you are released accordingly.

It is with great pleasure that I add an expression of the president's thanks for the patriotic, active & able support, which you have on all occasions given to the Government during the war.

I am, with sentiments of sincere respect and esteem, Sir,

Your most Ob't Serv't,

A. J. Dallas.

His Excellency, Daniel D. Tompkins,

Governor of the State of New York,

Albany.

AND IS WARMLY COMPLIMENTED FOR HIS PATRIOTIC EXERTIONS.

Adj't. Genl's Office, 3d M. D.,

G. O.;

New York, 18th April, 1815.

The General Commanding having received a copy of the foregoing letter from his Excellency, Governor Tompkins, and being

requested by him to signify to the Military of the District his entire satisfaction of their conduct while under his authority, hereby presents this flattering acknowledgement (?) of his Excellency to the Troops, and with pleasure adds the testimony of his own high respect for the patriotic & useful exertions of the Governor while in Command.

By Command:

(signed) C. Van De Venter, Asst. Adj. Genl.

References to the Drawing of the Siege and Defence of Fort Erie.

A Fort Erie properly so called.

aa Bastions built by the British before the work was taken by general Brown.

b A Ravelin, and cc Block-houses built also by the British.

dd Bastions built by us during the siege.

ee A Redoubt built also by us, for the security of the Bastions, aa.—

Note. The British had a line of picquets for this purpose.

B Our Camp, in its most perfect state of defence, secured as follows: On the right, by the line g, the Douglass battery i, and Fort Erie—on the left, and in front by the lines.

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